Report

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MANITOBA CIVIL SERVICE

REVIEW OF THE RECRUITMENT, SELECTION & CLASSIFICATION PROCESSES WITHIN THE MANITOBA CIVIL SERVICE

March, 1991

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SECTION ONE
INTRODUCTION

PROJECT OBJECTIVES

Our assignment in the project was to assess whether or not the human resource policies, procedures and practices of the Manitoba Civil Service cause inequitable treatment of employees, in particular women. This audit also included examining whether or not any **potential** for gender bias existed in these areas.

In the Terms of Reference for the project, this overall objective was divided into three specific required activities:

1) "To conduct an audit of the recruitment and selection process and the classification process in the provincial Civil Service. The audit will examine these processes and their application to determine whether they result in **inequitable treatment of civil servants, with a specific emphasis on women.**"

2) "To assess whether the recruitment and selection process, the classification process, and their application **conform and comply** with the relevant provisions of the Civil Service Act, the Employment Standards Act, The Manitoba Human Rights Code, and the Canadian Charter of Rights and Freedoms."

3) "To provide **recommendations** where disparities in employment practices or inequitable treatment of civil servants, with a specific emphasis on women, have been identified in the recruitment, selection and classification processes and their application, or whether these processes do not conform or comply with the Charter or relevant legislation."

The Terms of Reference also stipulated that we should exclude from review any matters subject to the collective bargaining process.

REVIEW STEPS

Policies and Systems Review

First we studied the Civil Service's human resource policies, systems and procedures to see if any of these formalized measures has an unequal or adverse impact on any specific group of civil servants. We also looked to see if any of the formalized measures were not related to job requirements, or to the safe and efficient operation of the Government and, therefore, were possible sources of discrimination.

Our activities included assessing written documentation and the procedures in place for the recruitment, selection and classification of employees according to the following criteria:

Legality	does the policy, system or procedure conform to existing legislated requirements?
Consistency	is the policy, system or procedure applied equally to all employees?
Validity	does the policy, system or procedure achieve the desired objective for which it was established?
Job Relatedness	is the policy, system or procedure based on bona fide occupational requirements?
Business Necessity	is the policy, system or procedure necessary for the safe or efficient operation of the Government?
Effectiveness	does the policy, system or procedure contribute to the effective utilization of human resources and the achievement of organizational goals?

We studied the official roles and responsibilities of various bodies in the Affirmative Action process. We also studied the following written documentation:

1) the Civil Service Act, Employment Standards Act, Manitoba Human Rights Code, and the Canadian Charter of Rights and Freedoms

2) the collective agreement with the Manitoba Government Employees' Association

3) personnel procedures manuals and regulations as related to the staffing and classification process

4) a sampling of position descriptions, competition files, forms, and documents

5) Affirmative Action information and a sampling of departmental Affirmative Action plans

6) a sampling of advertisements and job bulletins

Practices and Perceptions Review

We met with Commission personnel to discuss the results of their monitoring of actual practices plus their plans for future activities, including future Affirmative Action initiatives. We also gathered anecdotal information about actual Recruitment, Selection and Classification practices at the departmental level and about people's perceptions about those practices.

The purpose of these initiatives was to substantiate:

- o if practices match policy/procedure
- o if current practices support or negate civil servants' impression of the Government's commitment to enacting stated policies.

In order to make the study manageable in the timeframe allowed, it was necessary to develop a representative sample of departments for analysis purposes. In conjunction with the Steering Committee we chose a total of seven, (7) small (less than 400 employees), medium (400 to 999 employees) and large Departments (more than 1,000 employees). These Departments represented a cross-section of policy fields and regional and centralized staffing processes. The departments selected for the study sample were:

Small Depts.	Medium Depts.	Large Depts.
Civil Service Commission	Finance	Justice
Industry, Trade & Tourism		Education & Training
		Health
		Government Services

Once we had selected the seven sample Departments, we conducted interviews and focus groups with a cross-section of people from these seven departments in order to determine actual staffing and classification practices, and also the attitudes and perceptions that surround these processes. The interviews were one hour to one-and-a-half hours in length. The focus groups were one-and-a-half to two hours in length. In addition, employees were encouraged to send written submissions to Hay through a post office box number, or to telephone the consultants directly.

Interviews

Policy Makers: we interviewed 22 individuals whose jobs require them to be involved in the design and monitoring of the staffing and classification process. The individuals were senior members of the Civil Service Commission, the Department of Labour, the Women's Directorate, plus Deputy Ministers, Assistant Deputy Ministers and Personnel Directors from the seven departments in the sample.

Departmental Officials: we interviewed 33 Personnel Administrators and managers whose jobs require them to be involved in the implementation of staffing, classification and Affirmative Action policies and procedures. The individuals were selected by the Deputy Minister and/or Director of Personnel in each of the seven departments.

Special Interest Groups: we held one-on-one or group interviews with individuals who had requested such an interview or who had been identified by the Steering Committee as representative of special interest groups. The special interest groups so represented were the Manitoba Government Employee's Association, Manitoba Women in Government and the Advisory Council on The Status of Women. In addition, five individuals were interviewed.

Focus Groups we held 19 focus group discussions with employees of the seven sample departments. Employees were selected at random by computer to ensure representation from:

- o both management categories and bargaining unit positions in which the flow data indicated that women are well represented as well as those in which women are either dominant or under-represented
- o a cross-section of classification levels
- o both long- and short-service employees

Ten employees were invited to attend each focus group. When an individual was unable to attend, an alternative was invited if time permitted.

We also travelled to five (5) locations outside Winnipeg to conduct 12 focus groups. The five locations were:

- o Beausejour
- o Brandon
- o Dauphin
- o The Pas
- o Thompson

In order to maximize the effectiveness of these trips, focus group participation was not limited to one Department (as in the Winnipeg groupings) but included employees from any of the sample departments that were represented in that location.

Unsolicited Comments Around 30 employees wrote or telephoned to discuss their experiences with the selection and classification processes in the Civil Service.

Numerical Data Review

Where we found divergence between policy and practices, or between policy and people's perceptions about actual practice, we tested the effect of both the practices being used and the correctness of people's interpretations of those practices against our flow data analysis. The purpose was to quantify whether or not women are actually being adversely affected by recruitment, screening, selection, and classification procedures or practices.

The Civil Service Commission provided us with appointment data covering the period from March 25,1989 to March 23, 1990 and salary/occupational data covering the period up to March, 1989. The sources of the data were:

- Annual and Quarterly Competition Activity Reports
- Annual Appointment Statistical Summary Reports
- Affirmative Action Summary Statistics
- the 1988 and 1989 Annual Report
- sample Appeal Hearing decisions

REPORT PRESENTATION

At the beginning of the project, we committed to providing a report which would:

1) "identify actual and potential barriers to the employment and advancement of civil servants, particularly women, evident in the design and application of systems, in the outcomes, and in attitudes"

2) "recommend modifications to systems, policies and procedures to remove potential and actual barriers and to ensure overall effectiveness in attracting and retaining qualified women."

To deal with the requirement to identify barriers, our report is divided into three diagnostic sections dealing with the three areas of investigation specified in the Project Terms of Reference: Recruitment, Selection, Classification. Each one of these section is in turn divided into the following five sub-sections:

The governing **Principle**	which sets the context for each area of investigation (from Human Resource practice and/or legislation)
The official **Policies**	which flow out of that principle and which govern how the principle is to be put into effect (as documented)
The formalized **Procedures**	for enacting policy (as documented and from our enquiries at the Commission)
The actual **Practices**	taking place (drawn from the interviews and focus groups and checked against the flow data provided by the Commission)
People's **Perceptions**	about those practices (from the interviews and focus groups)

During the review we found that issues tended to overlap. For instance: concerns about the issue of Waivers came up when talking about both

Recruitment and Selection. However, we needed to test whether these concerns could be validated as legitimate instances of unequal treatment before we could make specific, meaningful recommendations.

As a result, each diagnostic section contains general conclusions only, together with identification of the general actions required. We have drawn all the results together in an Overall Conclusions section (Section Five) and saved our specific recommendations for the final section of the report, (Section Six).

The Recommendation section contains specific suggestions for action. In each case, we relate the recommendation to the place in the report where the need for action was discussed. We also identify the individuals or bodies who we recommend should be responsible for carrying out the recommendations.

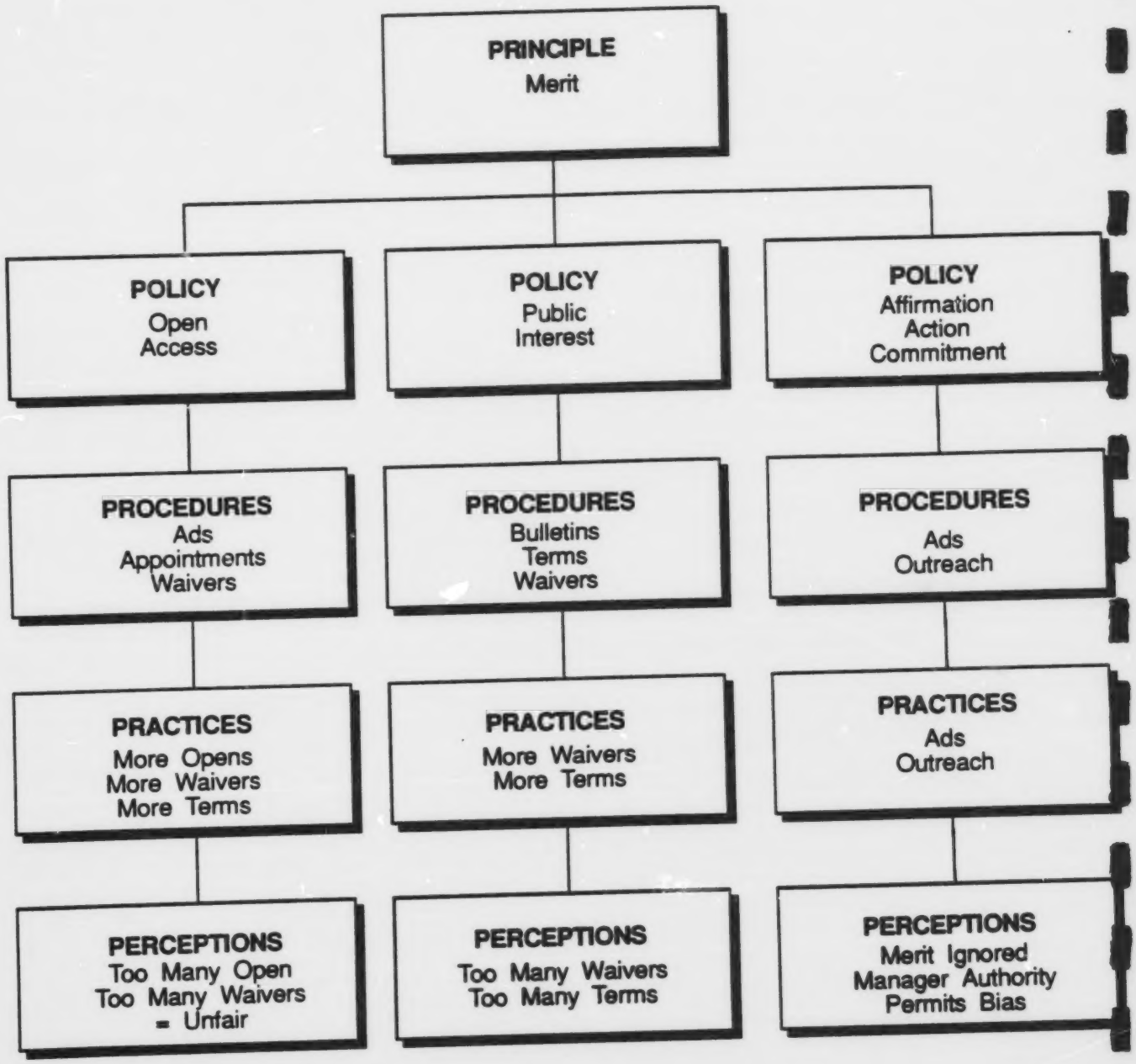
The three diagnostic sections contain tables and charts which provide the results of our quantitative checks on actual practices, with particular reference to their effects on women. To substantiate the anecdotal data that was gathered, we have used quotations from the focus groups and interview sessions.

In order to protect the confidentiality of the responses, no sample comment from a focus group has been quoted unless there were more than six people in attendance at the time or unless more than four people made a similar comment in other focus groups. Where a comment was made in an interview with a senior policy-maker, we have identified it as such. This approach has been used because the attitudes of people at that level are important and influential. The impact of their opinions can be seen throughout their Departments and, as a consequence, serve to create the context for activities and attitudes which prevail in their units. However, while the comment will be attributed to the senior policy-maker level, no individual speaker is identified.

In the same manner, our recommendations do not identify specific Departments for specific corrective actions. Since not all Departments were included in the study, as agreement was arrived at with the Minister of Labour that it would be unfair to single out any specific Departments included in the study.

The Appendices at the back of the report provide background documents and information.

RECRUITMENT



SECTION TWO
RECRUITMENT

GOVERNING PRINCIPLE

Recruitment is the process for identifying qualified candidates for open positions. Candidates may come from within the Civil Service or may be from members of the general public seeking employment in the Civil Service.

All the Civil Service's recruitment policies and procedures are grounded in the Merit Principle, one of the cornerstone of the human resources program of the Government. As the Civil Service Act states:

> **"Selection for appointment, promotion or transfer to a position shall be based on merit, with a view to developing a civil service comprising well qualified personnel with the abilities, skills, training and competence required to advance from the level of initial appointment through a reasonable career consistent with the type of work and the classes of positions pertinent thereto."** (Section 13 [2])

The concept of merit as a valid basis for differentiating between people is also enshrined in the Manitoba Human Rights Code. Section 9 (1) of the Code prohibits any **"differential treatment of an individual on the basis of the individual's actual or presumed membership in or association with some class of group of persons, rather than on the basis of personal merit"**.

It is interesting to note that the Civil Service Act does not specifically define "merit" in Section 1 (1) (where it provides definitions for other terms used in the Act) though it does define "merit increase". However, since Sections 13 (3) b and d authorize the Commission to test people for their **"knowledge, aptitude, intelligence, personal qualities and competence in relation to the duties of the position... and measure technical knowledge and skills related to the duties of the position"**, it may be *inferred* that these job-related qualities are what the Act means by Merit.

POLICIES

Three specific policy sources are relevant to the issue of recruitment:

- o The Civil Service Act
- o The policy of delegation of the staffing authority to the departments
- o The Affirmative Action Policy Statement

The Civil Service Act

Section 13 (1) c of the Civil Service Act gives authority to the Civil Service Commission, or anyone acting under delegated authority for them, to "**take such action and measures as it may deem necessary to anticipate and meet the need for well qualified personnel.**" As a result, the Civil Service Commission develops and implements government-wide policies on staffing, classifies positions, conducts audits and investigations, administers tests, is involved in training and development, and administers a number of employee and applicant inventories. The Commission has also been given responsibility for administering service-wide Affirmative Action programs.

Section 13 (1) a states that access to employment opportunities in the Civil Service shall be open to all Manitobans, though the Commission shall "**whenever possible and in the public interest, fill vacancies in the Civil Service by promotion from within the Civil Service**". Such vacancies may be filled by Permanent or Term Appointments.

Conclusion These recruitment policies are gender neutral and would not, of themselves, lead to discrimination against any civil servant group. However, the policy for recruiting from within is too vague, encouraging subjective interpretations of what is in the "public interest" on an ad hoc basis.

Valid arguments can be made to support both a policy based on the assumption that because tax payers' dollars are involved, they should have open access to all jobs and a policy that excellence in government requires career development of civil servants. However, **lack of clarity between these essentially conflicting policies means that there is no real policy guideline on this issue, building unequal conditions into the recruitment process at the policy level.**

Delegation

Under the Government's policy of delegation, the Commission has delegated much of the staffing authority to departments through Personnel Administrators, retaining direct responsibility only for senior staffing, staffing of the Personnel Administrators and the recruitment of entry level clerical and administrative staff.

Affirmative Action Policy Statement

The Government's 1983 Affirmative Action Policy (see Appendix C) states that the Government (and the M.G.E.A.) are committed to the concept of affirmative action, **"to ensure Manitobans under-represented in government employ have access to employment ... consistent with the Civil Service Act and relevant collective agreements".**

However, the statement narrows the definition of one of the designated groups - the disabled - to read **"the physically"** disabled. The omission of the mentally disabled from protected status under the policy statement is not in keeping with the Affirmative Action section of the Manitoba Human Rights Code (Section 11 and Section 9 [2]). We understand that the Commission is currently discussing with the M.G.E.A. the possibility of removing the word "disabled" from the statement and it has been removed from some of the brochures explaining the government's program.

Conclusion **Once the definition of disabled has been amended in the Affirmative Action Policy Statement** the statement will provide the appropriate endorsement of the concept of Affirmative Action and of the need to take special measures to achieve appropriate levels of designated group representation at all levels.

FORMALIZED PROCEDURES

Recruiting of new employees into entry level positions in the Civil Service is done by the Commission. Recruitment into most positions above entry level has been delegated to the Deputy Ministers of the departments. There are preliminary procedures for requesting a new hire, for interviewing, and for developing new job descriptions if the position is new.

In addition to informal word of mouth, there are three procedures for generating a selection of candidates:

- o advertisements
- o outreach programs
- o bulletins (job postings)

However, the processes for generating a selection of candidates can also be waived. In this case, an individual is recruited and appointed in one step, without having to go through the competition process. Regardless of what recruitment method is used, the positions for which candidates are being sought may be Permanent, Term or Acting.

Advertisements

When a position is advertised in the newspaper, the Government includes a statement that it is an Affirmative Action employer. From the responses to the advertisement, the Personnel Administrator is supposed to send a list of qualified candidates to the manager for interviewing. The manager can also ask for the complete lists of all applicants in order to make his or her own interview list.

Outreach Programs in Connection with Affirmative Action

There is a native outreach program in the North and the Employment Counselling Branch of the Civil Service Commission keeps an inventory listing of designated group members which Departments may access for recruitment into positions.

Job Postings (Bulletins)

The method for ensuring equal employment opportunity to all civil servants is through the use of job postings, known as Bulletins. Whenever a job is advertised, it is also posted internally for ten days, using a purple-banded Bulletin indicating that the position is open to external or internal appointments. If recruitment is internal only, a gold-banded Bulletin is used. **However, there are no clear guidelines as to when positions should be posted externally as well as internally.**

Bulletins usually contain a similar Affirmative Action statement to the one used on external ads. In addition, a Department with a pro-active Affirmative Action program might include a notice that special consideration may be given to a designated group in the selection process.

Conclusion The advertising/job posting recruiting procedures are in keeping with the recruitment policies and are gender neutral. However, there is no procedure in place to fill the policy gap relative to when a vacancy is to be advertised externally. This creates unequal treatment in the recruitment process because some civil servants end up competing for jobs that are posted internally only, with a relatively controlled feeder pool, while others end up competing for jobs that have been advertised externally, with a wide open feeder pool.

Once a clear policy regarding external recruitment has been determined, new and explicit procedures will also be needed to ensure consistency in the competition process.

Waivers

Managers can also waive all of the above processes for generating a selection of candidates and appoint someone directly. If the purpose is to recruit someone from outside the civil service, this clearly works against the interests of current civil servants who might wish to compete for the position in question.

In order to control the usage of Waivers and protect the concept of competitions, the Personnel Policies manual specifies six conditions under which the regular advertising/posting process can be waived when recruiting

for a job (see Appendix E). Each of these conditions allows a manager to use some personal interpretation in deciding whether or not to waive the posting procedure, including deciding that "**.... one individual can be demonstrably shown to be the most suitable candidate for the position based on the selection criteria, e.g. the only individual with a certain type of skill or experience requirement.**"

Conclusion Formal conditions exist for determining when a job posting can be waived. These conditions are gender neutral. However, at least one of the Waiver conditions is so open-ended that it could be:

- o inconsistently applied across different departments
- o abused as simply a means of avoiding the complications of holding a competition
- o abused by allowing an individual manager to discriminate against a group of civil servants or a particular individual.

More explicit limitations on the use of Waivers are needed in order to provide consistently equal treatment of all civil servants.

EXHIBIT 1

CIVIL SERVICE PROFILE

Date	March 31, 1987	September 6, 1988	March 25, 1989	Statistics Canada, Manitoba 1986	Federally Regulated Industries Operating in Manitoba, 1989
Number					
Males	9,870	10,318	10,003	324,380	n/a
Females	8,231	9,008	8,997	261,070	n/a
Natives	732	781	807	30,290	n/a
Disabled	374	413	434	38,745	n/a
Visible Minorities	428	467	480	30,930	n/a
Total	18,101	19,326	19,000	585,450	n/a
Percentage					
Males	54.5%	53.4%	52.6%	55.4%	67.5%
Females	45.5%	46.6%	47.4%	44.6%	32.5%
Natives	4.0%	4.0%	4.2%	5.2%	1.6%
Disabled	2.1%	2.1%	2.3%	6.6%	2.6%
Visible Minorities	2.4%	2.4%	2.5%	5.3%	3.3%

Notes:

- *percentages are based on sum of Females+Males by date (ie., in 1987 54.5% of Civil Service were Men)*
- *the proportion of Women has risen slightly since 1987 and continues to exceed market availablility*
- *representation of Natives, Disabled and Visible Minorities has remained less than that available in the labour force*
- *representation of Women, Natives, Disabled and Visible Minorities well exceeds recent figures reported for Federally regulated industries operating in Manitoba*
- *Manitoba Civil Service figures based on voluntary self-declaration;*
  Statistics Canada most recent data from 1986 Census of Canada, population aged 15+ who worked in 1985 or 1986 and Health Activity Limitation Survey 1986 (unpublished data), persons with disabilities (limited at work)

ACTUAL PRACTICES

Our next task was to see if the recruitment procedures for non-entry level positions were having a positive, negative or neutral effect on the chances for men and women already in Government to be considered for openings. In keeping with our mandate, we were particularly interested in whether or not female civil servants were negatively impacted.

Work-force Profile of the Civil Service

In order to get a perspective on the make-up of the civil service, and in particular the proportionate weight of female civil servants currently in the work-force, we looked at statistical information about the work-force profile gathered from Affirmative Action data.

Exhibit 1 on the facing page shows the number of men and also the representation of all four Affirmative Action designated groups across the entire Manitoba Civil Service from 1987 to 1989. It also shows the proportionate weight of each group within the Civil Service and in the available work-pool in Manitoba. The Manitoba work-pool numbers are drawn from the results of the most recent census, 1986. For further comparison purposes, we have also included designated group statistics from federally regulated industries operating in Manitoba as at December 31, 1989. These industries collect these statistics for employment equity programs.

The statistical profile of the Manitoba Civil Service indicates that:

- Women have shown the most significant improvement in proportionate numbers over the past three years. Based on the most recent official available statistics (the 1986 Census) there are now more women in the Manitoba Civil Service than comparison with the demographic statistics would require. Indeed, the male/female percentages are approaching an even 50/50 balance, giving women an appropriate presence in the Civil Service in terms of numbers.

- Native representation is approaching parity with the availability statistics.

EXHIBIT 2

WOMEN IN EXECUTIVE MANAGEMENT

Date	March 1983	March 1984	March 1985	March 1986	March 1987	March 1988	March 1989
Number							
Males	247	278	275	313	312	289	282
Females	9	16	19	37	44	52	51
Total	256	294	294	350	356	341	333
Percentage							
Males	96.5%	94.6%	93.5%	89.4%	87.6%	84.8%	84.7%
Females	3.5%	5.4%	6.5%	10.6%	12.4%	15.2%	15.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

o percentages are based on sum of Females+Male by date (ie., in 1983 96.5% of Executives were Men)
o the proportion of Women executives has quintupled in the seven years from 1983 to 1989
o figures based on jobs classified within the Senior Officer category

- There is a continuing and significant shortfall in the representation of both the disabled and visible minorities.

It is interesting to note that there are also significantly more women, natives, visible minorities and persons with disabilities in the Civil Service than there are in the federally regulated industries operating in Manitoba.

Position Distribution of Women

However, numbers and level in the organization are two very different things. Therefore, we also looked at the relative distribution of female and male civil servants across the different levels in the civil service.

At this time, the majority of senior positions in the Manitoba Civil Service are still held by men although that majority has decreased steadily since 1983 (see *Exhibit 2*). The current 15% level for women in the senior officer/ management category represents a significant rise in their numbers in these senior positions over the past seven years.

The other side of this statistic is the fact that 85% of women are still concentrated in low level positions, with many holding gender-stereotypical jobs: clerical, teaching, nursing, social work. Current appointments are not making serious inroads in changing this pattern. For example: of the 1,200 appointments made as of March 1989 to clerical positions, over 90% were female. Of the 44 executive appointments made in the same period, only 25% were female.

Conclusion These statistical profiles provided us with a quantified, contextual picture of the work-force that historical recruitment procedures have created. In sum, it showed that:

- the balance of male and female civil servants appears to be appropriate in terms of the available work-pool in Manitoba
- recruitment of women into upper level positions, whether by internal promotion or external appointment, is beginning but progress is slow.

EXHIBIT 3

APPOINTMENTS BY BULLETIN

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Open	2	1	6	3	9	10	60	48	42	41	29	89	18	5
Closed	1	6	3	5	7	12	51	39	1	2	28	86	17	16
Total Appts	3	7	9	8	16	22	111	87	43	43	57	175	35	21

EXHIBIT 4

WAIVER APPOINTMENTS

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Appts	3	7	9	8	16	22	111	87	43	43	57	175	35	21
Waivers	0	1	1	2	4	7	9	24	11	30	11	29	23	14
Promotions	8	12	8	9	19	19	80	97	34	62	30	102	37	27
Total Appts	11	20	18	19	39	48	200	208	88	135	98	306	95	62
Percentage by Appointment Type														
Appts	30.0%	70.0%	52.9%	47.1%	42.1%	57.9%	56.1%	43.9%	50.0%	50.0%	24.6%	75.4%	62.5%	37.5%
Waivers	0.0%	100.0%	33.3%	66.7%	36.4%	63.6%	27.3%	72.7%	26.8%	73.2%	27.5%	72.5%	62.2%	37.8%
Promotions	40.0%	60.0%	47.1%	52.9%	50.0%	50.0%	45.2%	54.8%	35.4%	64.6%	22.7%	77.3%	57.8%	42.2%
Total Appts	35.5%	64.5%	48.6%	51.4%	44.8%	55.2%	49.0%	51.0%	39.5%	60.5%	24.3%	75.7%	60.5%	39.5%
Percentage of Total Appointments														
Appts	9.7%	22.6%	24.3%	21.6%	18.4%	25.3%	27.2%	21.3%	19.3%	19.3%	14.1%	43.3%	22.3%	13.4%
Waivers	0.0%	3.2%	2.7%	5.4%	4.6%	8.0%	2.2%	5.9%	4.9%	13.5%	2.7%	7.2%	14.6%	8.9%
Promotions	25.8%	38.7%	21.6%	24.3%	21.8%	21.8%	19.6%	23.8%	15.2%	27.8%	7.4%	25.2%	23.6%	17.2%
Total Appts	35.5%	64.5%	48.6%	51.4%	44.8%	55.2%	49.0%	51.0%	39.5%	60.5%	24.3%	75.7%	60.5%	39.5%

Notes:

By Appointment Type

- *percentages are based on sum of Female+Male Appts, Waivers, Promotions, and Total Appts by dept (ie., in C.S.C. 30% of Appts were Ma*
- *looking at appointments by Waiver, Women received two-thirds or more in all departments, except Govt Services*
- *Women either equalled or outnumbered Men for apppointments by Promotion*
- *Appointments of Women (by Open or Closed bulletin) varied from one-third in Govt Services to over two-thirds in C.S.C. and Health*

Of Total Appointments

- *percentages are based on sum of Female+Male Total Appts by dept (ie., in C.S.C. 25.8% of Total Appts were Male Promotions)*
- *the least employed of appt types, Waivers were granted to Women generally double or more those to Men, except Govt Services*
- *Promotion appointments were as, or more, prevalent than appointments by Bulletin*
- *Promotion & Bulletin appointments were awarded nearly equally or more often to Women, except Govt Services where it was much less*

Once we had an overall view of the make-up of the civil service given existing recruitment procedures, our next task was to see the effect of these different recruitment methods on making employment opportunities available to people already in the civil service, in particular women.

Advertisements and Bulletins

We found that in 57% of the cases, the seven sample departments recruited externally as well as internally (see ***Exhibit 3***).

Conclusion The 50/50 usage of internal versus external recruitment methods mean that civil servants have no real way of predicting what kind of competition they may be up against.

Relative Impacts of Open and Closed Competitions

Women did not do as well when recruitment was open. For instance: when the recruitment process was closed they received 61% of the appointments versus 54% when it was open.

Waivers

We found that it is a very common recruiting practice to waive either of the public announcement procedures and make use of the Waiver procedure. For instance: there were 166 such Waivers of the competition process in the seven sample Departments which means they were used 26% of the time, (see ***Exhibit 4***).

Conclusion Having one quarter of all employment opportunities filled without public announcement that a position is even vacant represents a significant loss of opportunity for civil servants. In addition, the variations as to how extensively Waivers are used in different departments adds a further level of

EXHIBIT 5

TERM APPOINTMENTS

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Appointed	0	11	8	23	16	27	100	191	214	365	73	315	98	73
Percentage														
Appointed	0.0%	100.0%	25.8%	74.2%	37.2%	62.8%	34.4%	65.6%	37.0%	63.0%	18.8%	81.2%	57.3%	42.7%

Notes:

o percentages based on sum of Female+Male Term Appts by department (ie., in C.S.C. 0% of Term Appts were Men)
o proportionately many more Women than Men received Term Appointments, except Govt Services

ACTING APPOINTMENTS

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Avg Length	65 days		100 days		179 days		98 days		143 days		106 days		133 days	
Number														
Appointed	2	6	2	2	14	27	82	91	22	66	52	205	147	39
Percentage														
Appointed	25.0%	75.0%	50.0%	50.0%	34.1%	65.9%	47.4%	52.6%	25.0%	75.0%	20.2%	79.8%	79.0%	21.0%

Notes:

o percentages based on sum of Female+Male Appointed by department (ie., in C.S.C. 25% of Acting Appts were Men)
o many more Women than Men were appointed in C.S.C., Finance, Education & Training, and Health

inconsistency to the equity in which opportunities are made available to different civil servants.

Much clearer controls on the use of Waivers are needed.

Term and Acting Appointments

The position for which candidates are being recruited may be Permanent, Term or Acting. It is common practice for a Term Appointment to be for a maximum of two years but there is no formal procedure governing this. As a result, the difference between Permanent and Term Appointments is not always precise.

From March 25, 1989 to March 24, 1990, there were 1,514 Term Appointments for the seven departments reviewed and 757 Acting Appointments in addition to the 637 regular appointments. With the exception of Government Services, women received equal or more of these Term and Acting Appointments than men, (see ***Exhibit 5***). For instance:

- of the 1,514 Term Appointments made in the sample departments, 1,005 (or 66%) went to women.

- 57.6% (436) of the 757 Acting Appointments went to women

While the restraints on hiring in the Civil Service provide an explanation for the heavy use of these kinds of alternative openings to permanent positions, it may be one case where a predominance of female appointments is not to their advantage: because of the restricted term nature of their appointment, it could make it more difficult for female civil servants in these positions to advance into more senior positions.

Conclusion The Term and Acting Appointment process itself is generally gender neutral but it is currently used disproportionately for recruiting women.

It will be important to monitor the effect of this practice on women's eligibility for recruitment into permanent positions in the Civil Service, including promotion opportunities, with a view to setting appropriate limits on the use of the practice if necessary.

Open vs. Closed Competitions

Both men and women voiced the opinion in the focus groups and interviews that more appointments are open than closed. This perception was validated by our analysis of the flow data.

However, we found great variation in the way managers viewed the recruitment process:

> **"The objective is to get the best possible person. It's not to run the cleanest, most ideal process for civil servants."** (Senior Manager)

Many said that they saw their first responsibility to be to provide open access to employment opportunities in the Civil Service to all Manitobans. In other words, they reversed the priority they gave to the two employment policies:

> **"The public pays our way, the public deserves access to those jobs."** (Senior Manager)
>
> **"After all, in the private sector ... there's no requirement for everybody to know about it** (a job vacancy), **there's no requirement or opportunity for everybody to apply for it ..."** (Senior Manager)

However, both men and women from middle managerial and staff ranks voiced concern that the common practice of advertising externally to fill vacancies is contrary to Section 13 (1) a, the first consideration clause of the Civil Service Act.

> **"Section 13 (1) says selection shall be within the Civil Service whenever possible but we don't follow it."**

Finally, many women saw the common practice of holding Open Competitions as a way to avoid advancing female civil servants and as being contrary to the full intent of the Government's Affirmative Action policy:

> **"We just keep filling up at the bottom."**
>
> **"They use open competitions as a way to get around promoting us."**

Conclusion People are very aware of the policy encouraging promotion from within and view the lack of clarity around the process for recruiting externally with great suspicion. We found that women in the focus groups felt more threatened by the ambiguity than men.

Job Bulletin Process

According to regulations, bulletins are supposed to be posted for 10 days. In practice, this does not always occur and is seen as being one way that managers limit the number of "unwanted" applications. Again, this raised perceptions of gender bias amongst women.

> **"Bulletins are a facade".**
>
> **"The thing goes up and the next day you go to look for it and its gone".**

The wording on the bulletins is also problematical for employees. They feel that often the wording about requirements is written to match the requirements of a specific individual and to make it less likely that anyone else can qualify. Other times they feel the wording is designed to ensure that only a specific individual who

> **"already knows the department, the players and maybe even the job" is eligible to apply.**

Conclusion There is a significant level of mistrust and cynicism about the application of the fundamental principle of merit, about the reality of the policy of first consideration and about the validity of the Government's commitment to Affirmative Action in the recruitment process.

Waivers

Both men and women voiced concern over the decision process by which recruitment for a position is through a Waiver as opposed to advertisements

and bulletins. Since the decision that one individual is "**demonstrably .. the most suitable candidate**" is known to be one of the six permissible conditions for waiving a competition and since there is no requirement for a manager to report or obtain approval to do so from the Commission, there was strong perception that:

> "**... merit is being ignored**".

Women tended to believe this process was detrimental to their chances:

> "**The Waiver appointments are based on 'friends'**".
>
> "**There are too many people who appear without there ever having been a Bulletin or a competition**".

In addition, because of focus group participants' impression of the extensive use made of the Waiver procedure, there was a persistent perception that people are hired or promoted because of "Know Who" rather than "Know How".

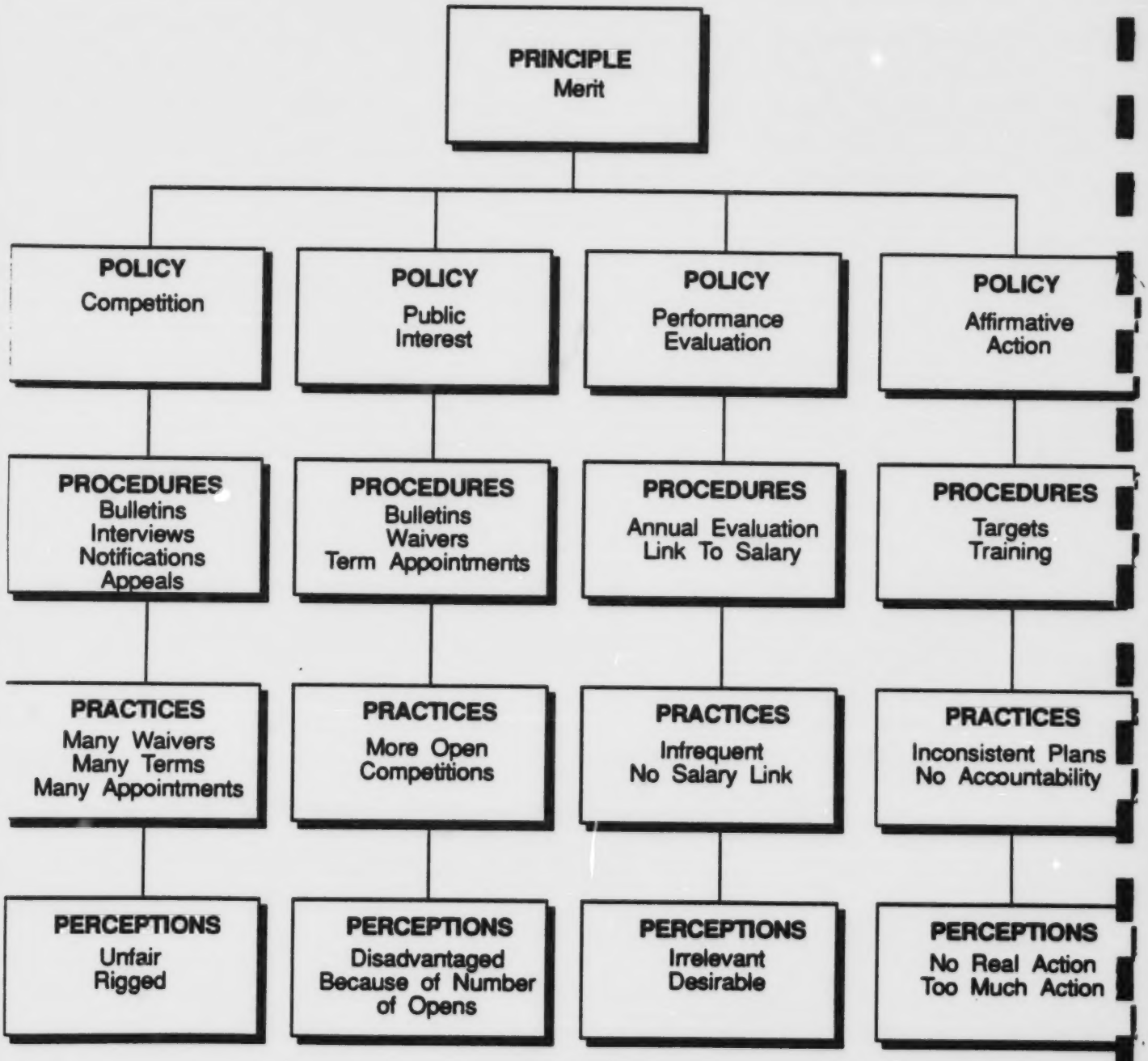
> "**If you know someone in a department, it makes it a lot easier to get a job.**"
>
> "**... who you know is a lot more important than what you know. Merit is no longer a factor ...**"
>
> "**The only way you can get a job around here depends on who you know.**" (Senior Manager)

Conclusion

Even though the Waiver process is not demonstrably working to the disadvantage of women, their extensive use lends credence to the impression that the fair and open process is being circumvented.

Despite their acknowledged effectiveness in cutting through delays, the <u>potential</u> for abuse through lax procedures, the <u>frequency</u> of the use being made of the process, and the <u>negative perception</u> with which the process is viewed, all suggest that either Waivers should be abolished or much stronger standards are needed for their use than currently exist. In order to make the standards effective, there should be sanctions for Departments abusing their use.

THE SELECTION PROCCESS



SECTION THREE
THE SELECTION PROCESS

GOVERNING PRINCIPLE

Selection is the process for choosing an incumbent from out of all of the available candidates. As with recruitment, the Merit Principle stated Section 13 (2) in the Civil Service Act (and quoted on page 9 of this report (is the governing principle on which the selection process in the Government is founded.

POLICIES

There are four policies that relate to the selection process, whether carried out directly by the Commission or by the departments under delegation:

- the policy of holding competitions for positions
- the policy of promotion from within the Civil Service whenever it is within the "public interest" to do so
- the performance evaluation policy for measuring merit
- the Affirmative Action program for providing accelerated access and promotion

We found nothing in these policies that would indicate unfair treatment of specific candidates or groups. However, tracing the application of procedures and practices and the ensuing perceptions around these four policies is a complicated process. In order to unravel the inter-relationships, we will follow the trail for each policy separately in this section.

PROCEDURES

Ministerial Responsibility

A Treasury Board Minute stipulates that all Ministers are responsible for ensuring that staffing activity within their departments adheres to required "restraint-levels" and that they do not exceed their staff-year allotments. As a result, the Ministers sign all authorizations to fill vacancies - be they term or permanent, clerical or senior management.

Generating Candidates

As stated in the Recruitment section, in addition to informal word of mouth, a selection of candidates can be generated through advertisements, through outreach programs and through purple- or gold-banded bulletins. These programs were all discussed in the Recruitment section.

Delegated Screening and Interviewing Authority

Under delegation, departmental Personnel Administrators are responsible for developing a list of applicants from the responses to any of the recruiting procedures for the hiring manager. It is also the Personnel Administrators' job, as the local guardians of the merit principle, to screen all applications, whether internal or external. These Administrators are supposed to then pass on all qualified applications to the hiring manager.

However, Managers may ask to see all applications, even those rated as unqualified. In addition, managers ultimately decide who will be interviewed, although they do consider the Personnel Administrator's opinion. It is the Personnel Administrator's responsibility to notify all candidates when their applications are received, their status during the competition and the result once a candidate has been selected.

When a candidate is short-listed for the position, he or she is interviewed by an interview board consisting of the hiring manager and members chosen by him/her. There is no procedure requiring that the Personnel Administrator should sit on the board to bring a human resource expertise to the process.

Structured interview formats have been created for use across all departments. This process was specifically designed to avoid overt discrimination in the interview process. Sections 13 (3) b and d of the Civil Service Act permit the use of employment tests to "**reveal knowledge, aptitude, intelligence, personal qualities and competence .... and measure technical knowledge and skills related to the duties of the position**". Such tests are frequently used. However, there is no policy requiring that the tests should be constructed, conducted and evaluated by staff who are trained in this scientific discipline.

Conclusion Checks and balances have been built into the selection procedures to guard against bias in the selection process. However, there are gaps in these checks and balances. Of particular concern are:

- The fact that the professional expertise of trained human resources specialists is not consistently brought to bear in the selection process now that staffing has been delegated to the departments. This means that the processes are being managed in an ad hoc manner.

- The unprofessional way in which qualification tests can be administered.

These gaps in the procedures need to be corrected as they could permit individual managers to carry out practices which are illegal, inconsistent, invalid, or not related to the requirements of the job or the safe and effective operation of the Government.

Appeals

The Civil Service Commission Board provides the locus for the Appeal function in regard to staffing (including matters arising out of Collective Agreements), Affirmative Action, delegation, and classification activities.

The Board is made up of six citizens, one of whom acts as chairperson, plus the Civil Service Commissioner. The citizen members are appointed "at the pleasure of the government". There is also a full-time Secretary to the Civil Service Commission who attends meetings but is not a member of the Board.

When a appeal is first launched it is investigated by Commission staff. Many appeals never reach the hearing stage because they are settled with the appellant before reaching that stage.

Conclusion There has been an historical conflict of interest in having the Commission both oversee staffing and be involved in hearing staffing appeals. With the advent of delegation of the staffing authority to the Departments, much of that conflict of interest should disappear.

ACTUAL PRACTICES

Roles and Responsibilities: Ministers

As well as approving payroll expenditures, in some Departments it is the practice of the Minister to approve all appointments before a final offer of employment can be given.

Conclusion Having financial control over whether or not a vacant position should be recruited for is an appropriate accountability for Ministers. Having final approval over who is actually appointed clearly raises the possibility of political interference in the selection process, regardless of the gender of the person appointed or the potential candidates ignored.

Ministers should not be involved in the approval process for selecting civil servants in their Departments as it is contrary to the intentions of both the Merit Principle and the notion of providing open and equal opportunity to civil servants.

Roles and Responsibilities: Personnel Administrators

With the policy of delegation, the question arises as to whether departmental Personnel Administrators are "agents" of the Commission, with a commitment to guarding policy (in this case, the "merit principle" and Affirmative Action) or whether they are agents of the departments in which they serve, with a commitment to helping managers achieve their specific departmental aims. We found that Personnel Administrators themselves were not clear on their fundamental role.

Conclusion Since it is difficult to both advise and monitor, clarity is needed.

In view of the concerns already raised about the gaps in the selection procedures because of the lack of a consistent human

resource presence, we believe that it is important that the role of departmental Personnel Administrators be clarified as guardians of policy.

Screening and Interviewing

Whenever there is a vacancy, the number of applicants is high because downsizing, restructuring and the number of long-service senior employees have all combined to limit the number of opportunities available for people to move up. According to the Commission, there are approximately 25 to 30 often well-qualified applications for every bulletined position. Screening of this list of applicants is an essential and difficult role in this environment.

We found that, in practice, Personnel Administrators do not always carry out a screening role before forwarding the list of potential candidates to managers. For instance: managers can ask for a pre-selected short list of candidates from the Staffing Officer but they may also ask for the complete lists from which they make their own short lists. This means that a professional human resources expertise is sometimes, but not necessarily always involved in monitoring the application of the Merit Principle in departmental selections.

We also found considerable inconsistency as to whether or not a Personnel Administrator would sit on interview boards. As well, only some managers have received Commission sponsored equal employment training and no consistent sensitivity training has been provided with regard to designated group issues (although some such training programs have been created).

Finally, since the employment tests that are administered are not necessarily constructed, conducted and evaluated by staff who are trained in this scientific discipline, we found that many of the tests did not distinguish between the traits needed to perform the job and the actual knowledge required on the job. As a result, these tests tend to give a clear advantage to those already working in the department where the vacancy exists.

EXHIBIT 6

RECORD OF COMPETITIONS

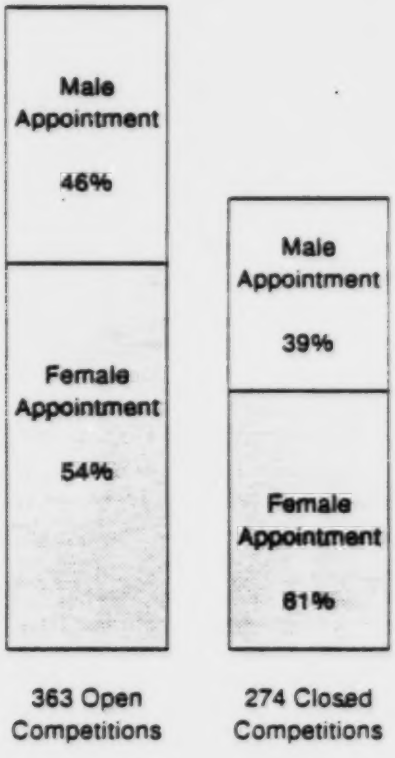


EXHIBIT 7

SHORTLISTING RATES VS. APPOINTMENT RATES

	Closed Competitions		Open Competitions	
	% of Applicants who are Shortlisted	% of those Shortlisted who are Selected	% of Applicants who are Shortlisted	% of those Shortlisted who are Selected
Percentage				
Males	50.9%	21.9%	14.3%	18.4%
Females	35.0%	24.5%	19.1%	23.7%

Notes:

o based on percentages supplied by 25 Departments

By Closed Competition

o the proportion of Men Applicants who are Shortlisted is nearly 1.5 times that of Women
o the proportion of Women Shortlisteds who are Selected is about 10% larger than Men

By Open Competition

o the proportion of Women Applicants who are Shortlisted is about one-third larger than Men
o the proportion of Women Shortlisteds who are Selected is one-quarter larger than Men

Conclusion The flexibility and ambiguities of the screening procedures are resulting in variations in the degree to which the procedures are carried out in practice. An informed human resource management focus is not necessarily brought to bear on the application of either the Merit Principle or Affirmative Action plans in the screening and interviewing process.

This means that the selection "playing field" is not equal across different departments.

Relative Success Rates in Competitions

When we looked at the overall success rate of men and women in Open and Closed Competitions we found that in the seven sample departments, women were more often selected in the Closed Competitions than in the Open ones:

- of the 363 Open Competitions, they were selected 54% of the time
- in the 274 Closed Competitions, they were selected 61% of the time (see ***Exhibit 6***)

However, when we looked more specifically at the relative success rates of men and women who made it to the interview stage, we found some slight variations in the pattern. As ***Exhibit 7*** shows, across the entire Civil Service:

- females were less likely to be short-listed for interviewing than men in Closed Competitions but were slightly more likely to be interviewed in Open Competitions
- of those who made it to the interview stage, females were more likely than males to receive the appointment in both Open and Closed Competitions.

In sum, accessing the interview process is the critical hurdle for female civil servants, whether or not the competition is Open or Closed. Once they make it onto the interview list, female candidates do very well and there is practically no difference in the proportion of women who are selected out of

the interview pool in Open and Closed Competitions. It is the number of females whose qualifications are recognized for interview purposes that is still disproportionately low, whether those women are from inside or outside the Civil Service.

The impact of Open Competitions on male civil servants is quite different. Men have a 50/50 chance of being short-listed for a Closed competition but only a 14.3% chance of getting interviewed when the competition is Open (versus 19.1% for female civil servants). In addition, their selection success rate goes down farther than female civil servants' when the competition is Open.

Conclusion The Open Competition process has a proportionately more disadvantageous effect on male civil servants than female civil servants.

Waivers

As we stated in the Recruitment section, we found that the Waiver procedure was used one quarter of the time in the sample departments (166 Waivers versus 637 Competitions). This is a significant proportion. Women received 64% of these appointments as compared to 58% of Competitive selections.

We have already raised concerns about the potential for discrimination in the Waiver process because of the breadth of managerial discretion granted and the common use made of the process. However, another consideration is that the Waiver procedure could also be used as a way to accelerate the promotion of women into more senior positions. The fact that, in practice, women are slightly more likely to be recruited into a position using this procedure than when the bulletin/advertisement procedures are used, may indicate that the development potential inherent in this procedure is being well utilized.

Conclusion Extended study of the use made of Waivers (eg: differences in the kinds of positions offered to female versus male civil servants, career moves made following the waived

EXHIBIT 8

TERM APPOINTMENTS

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Appointed	0	11	8	23	16	27	100	191	214	365	73	315	98	73
Percentage														
Appointed	0.0%	100.0%	25.8%	74.2%	37.2%	62.8%	34.4%	65.6%	37.0%	63.0%	18.8%	81.2%	57.3%	42.7%

Notes:

o percentages based on sum of Female+Male Term Appts by department (ie., in C.S.C. 0% of Term Appts were Men)
o proportionately many more Women than Men received Term Appointments, except Govt Services

UNDERFILL APPOINTMENTS

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Appointed	1	2	0	0	0	2	6	25	0	1	18	65	0	0
Percentage														
Appointed	33.3%	66.7%	0.0%	0.0%	0.0%	100.0%	19.4%	80.6%	0.0%	100.0%	21.7%	78.3%	0.0%	0.0%

Notes:

o percentages based on sum of Female+Male Underfills by department (ie., in C.S.C. 33.3% of Underfills were Men)
o only Justice and Health use Underfills to any significant degree
o where Underfills were reported, more Women than Men received these appointments

appointments, etc.) is needed to find out if they are acting as a development or limiting lever for female civil servants.

Acting Appointments, Secondments, Underfills, Lateral Moves

These all represent opportunity areas where female civil servants could be recruited for positions in a training capacity and so develop the needed skills to receive a permanent promotion afterwards. In fact, as ***Exhibit 8*** shows:

- of 757 Acting Appointments in the seven sample departments, women received 436 (57.6%) of the positions
- of the 120 Underfill Appointments, women received 85 (79.2%) of the vacancies

Conclusion Since there are no formal policies for using these procedures as Affirmative Action levers, there is no real way of ensuring that they are used for this purpose or, conversely, abused as a way to avoid placing female civil servants (or any other group) in Permanent positions.

Develop procedures or guidelines for the use of Acting Appointments, Secondments, Underfills, and Lateral Moves that will encourage their use as an Affirmative Action lever more consistently across all departments.

Term Appointments

In the Recruitment section we discussed the growing tendency to fill vacancies with Term Appointments instead of permanent appointments. As we stated, the Term Appointment process is itself gender neutral but it should be closely monitored to ensure that it does not become a way of limiting permanent employment opportunities to women or other specific groups in the Civil Service.

EXHIBIT 9

PROMOTIONS

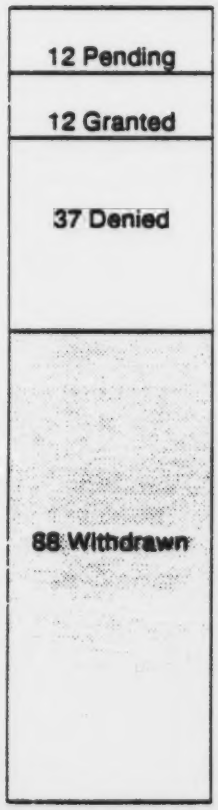
Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Promoted	8	12	8	9	19	19	80	97	34	62	30	102	37	27
Percentage														
Promoted	40.0%	60.0%	47.1%	52.9%	50.0%	50.0%	45.2%	54.8%	35.4%	64.6%	22.7%	77.3%	57.8%	42.2%

Notes:

o percentages based on sum of Female+Male Promotions by department (ie., in C.S.C. 40% of Promotions were Men)
o proportionately, Women received as many or more Promotions than Men, except Govt Services

EXHIBIT 10

SELECTION APPEALS



149 Appeals

Promotions

Despite the potential for bias against designated groups in the flexibility of the screening process, when we analyzed the flow data we found that women received more than 50% of all promotions in all the sample departments except Government Services (see ***Exhibit 9***). We compared this statistic with the promotion statistics of federally regulated organizations as reported in the Employment and Immigration 1990 Annual Report on Employment Equity in federally regulated industries. We found virtually the same promotion rate for women there (54.65%)

Conclusion Promotions are fairly equally divided between male and female civil servants despite the loose screening procedures. Over time, a richer pool of candidates for upper level jobs is being steadily created.

Notification and Appeals

We found that the notification process is not consistent. Most applications are acknowledged but this is not the case for status up-dates during the selection process. This leaves all those applicants in a sort of limbo, with the result that they may not launch selection appeals in a timely fashion.

Once a selection appeal is lodged, the appeal process itself is adversarial. Individuals have to plead their case as opposed to make a statement to an impartial Commission of Inquiry. According to procedures laid down, employees are told about their appeal rights when they are hired but no formal effort is made to remind them of those rights when they are promoted.

We found there were very few selection appeals. In the five years from 1985 to 1990, in the entire Civil Service of Manitoba there were only 149 such appeals, (see ***Exhibit 10***). Of the 149 appeals lodged, 88 of the appeals were withdrawn by the appellants. Of the 61 that went forward, only 12 were granted (24%). The data in the seven sample departments is so limited that no conclusions about gender bias can be drawn.

PERCEPTIONS

Ministerial Intervention

The control that Ministers appear to have over who gets approved for selection causes some concern. There is a perception among managers and employees that not all appointments are made on the basis of merit because there is,

> **"... too much Ministerial intervention in the hiring process."**
>
> **"The Minister knows whenever there's a vacancy and can ensure that an individual of the 'right party colour' will be hired, or that an individual of the 'wrong party colour' will not be hired."**
>
> **"I am suspicious of Ministerial action."** (Senior Manager)

Conclusion The responsibility of the Minister for managing expenses in his/her department is not questioned but the process established for controlling payroll expenses through authority over the hiring process is perceived to be unnecessarily intrusive. It adds a further level of mistrust about the credibility of the hiring process and, given the political nature of the Civil Service, real potential for undue interference. However, this situation is not necessarily gender biased and could affect all employees.

A financial audit method is needed that will allow Ministers to maintain control over the payroll budget process while keeping an arm's length relationship from the hiring process.

Screening Process

Because there are many applicants for every publicized vacancy, there are necessarily many people who, no matter how well qualified, will have to be turned down. Feed-back from the focus groups showed that each time an appointment appears to be somewhat irregular - whether that be because of

a Term Appointment, use of a Waiver, or any other alternative procedure or even ministerial intervention - people tended to feel more frustrated and cynical about the integrity of the process.

> (You) **"shouldn't pretend that it doesn't happen ... because what is happening is a whole lot of fiddling."**
>
> **"We hold courtesy interviews about which we all grumble because we had to appear sincere but the appointee has already been predetermined."** (Senior Manager)

Designated group members felt that they were under greater disadvantage than other employees as a result:

> **"The barriers in moving through the system are greater than those getting into the system."**
>
> **"Men set the rules."**

At the same time, non-designated group members, who are equally concerned about employment opportunities, tended to blame the Affirmative Action system when they were passed over.

> **"It's a good escape hole."**
>
> **"I've seen some pretty unqualified appointees because of Affirmative Action."**

Conclusion Many of the concerns raised over the screening process appear to be shared equally by all employees and are largely the result of frustration over the lack of real opportunity. However, in this environment, the inconsistent screening and selection process and the large number of waived competitions create the appearance of managerial manipulation and also raise the odds on actual manipulation occurring.

Tighten up the entire screening and selection process.

Waivers

People expressed concern over the freedom individual managers have to waive the competition process. They saw this as license rather than responsibility. They also believed that because of the flexibility in the Waiver procedure, the effects were different in different Departments.

> **"Who approves Waivers is different in every Department. Each one has its own little ways."** (Senior Manager)

Term Appointments

People were concerned that merit is ignored in the Term Appointment process but here their concern cut both ways. Some talked about lax standards:

> **"Our system and our practice (for) Term Appointments ... generally we have not put them through the same rigour".** (Senior Manager)

On the other hand, many women in Term Appointments felt that their abilities were not being properly or consistently recognized over time because they were just being bounced from one Term position to another, without any real chance of getting ahead:

> **"Most positions in our department are Terms. You just move from one to another and never get recognized."**

> **"Term Appointments are not rolled over directly so we also lose out on benefits."**

Conclusion There is a perception that managers have too much freedom to act on the basis of their own biases, as demonstrated by the freedom they have to decide who will be interviewed, whether to waive competition, whether to have an open or closed competition, or whether to make a Term Appointment. Note: our interviews and focus group results indicate that it is the practices used, not necessarily the individuals using them, that are mistrusted.

Credentialism

We heard diametrically opposite complaints about the use of credentials in the selection process. The most common complaint was that there has been an unwarranted increase in the level of credentials required for positions being filled in recent years. This increase in qualification requirements is viewed as not being the result of bona fide job requirements and therefore, as a means of discriminating on the basis of education.

> **"Qualifications for certain positions are too high ... the positions don't use them."**

Some managers even admitted that they raised the credentials required in order to limit the number of applicants for a vacancy:

> **"We have so many applicants. It's the only way we can control the numbers."**

On the other hand, some people in professional areas worried about managers being hired without sufficient professional accreditation.

The use of educational credentials as a screening mechanism and its unequal effect on women were investigated at length by the Abella Commission in 1984. As a result of that study, recent Human Rights legislation, including the Manitoba Human Rights Code, all disallow discrimination in employment on the basis of education.

Therefore, great care is needed when using educational credentials as a screening mechanism unless those credentials are specifically required by law for the position (for instance: for legal, teaching and nursing positions). This is particularly important in connection with selections for administrative positions connected to such regulated professions. While it may be highly desirable from a credibility and experiential point of view for incumbents in those positions to have professional accreditation, it is not always legally necessary.

Conclusion If educational credentials are stated as a screening category for non-regulated positions, equal weight should be given to equivalent work experience in order to meet the non-

discrimination requirements of the Manitoba Human Rights Code. This includes stating on the recruitment material that both will be considered.

Artificial inflation of qualification requirements should be stopped as it is contrary to the Manitoba Human Rights Code. Equal weight should be given to equivalent work experience in order to bring the credentialing process into line with the Code.

Notification

Both men and women stated that they usually receive an acknowledgement of their application for a position but that they often hear nothing more. Apart from not being able to launch an appeal in a timely fashion, they feel insulted that they have to learn that they lost a competition by means of finding a new incumbent in place one day. It also adds credence to the belief that the process is "fixed anyhow", or, in the words of one individual "corrupt".

Conclusion Despite the mass of work involved in carrying out all aspects of the notification process, not doing so is perceived by people as a symbol of the erosion of the merit principle.

Appeals

All employees voiced concerns about the redress mechanisms in place, and in particular, about their adversarial nature. Generally, they indicated that they were reluctant to lodge appeals, particularly selection appeals, because:

"It's a waste of time."

"You never win - management and personnel always know how to manipulate the paperwork, so they always win."

> **"What's the point, win or lose, (and it's usually lose) you'll be black-listed forever."**

In fact, whether because of the perception that it is a waste of time or whether because of the slowness of the procedure, there are very few selection appeals. Despite all the concerns raised in the focus groups around the selection process, only 3 selection appeals were actually lodged during the test period from those seven sample Departments.

During the focus groups, union members said that they receive only modest technical support from the Unions in the appeal process. Union leaders displayed a very wary and quite negative attitude towards the whole process. They do not particularly encourage employees to lodge appeals and usually represent only the most senior appellant in cases where there are multiple appellants.

> **"If all four (appellants in a single appeal case) meet the qualifications, we would take the senior one.... Our duty is to uphold the collective agreement."**

The Unions also expressed dissatisfaction with the composition of the appeal Board, both in terms of appointment and in terms of the qualifications of the individuals appointed.

Conclusion The appeal process is well laid out in policies, systems and procedures but in practice, employees, managers and union representatives are mistrustful of the process. The adversarial nature of the proceeding, the slowness of the process and the perceived lack of redress through the process all cause credibility problems.

POLICIES

Section 13 (1) a of the Civil Service Act states that:

> **"The commission shall, whenever possible and in the public interest, fill vacancies in the civil service by promotion from within the civil service".**

However, Section 13 (1) b of the Act goes on to state that the Commission shall:

> **"when in the public interest, sill vacancies in the civil service by recruiting from without the civil service".**

Thus, there is no policy for giving preferential treatment to civil servants in general in the selection process. However, when there is no differentiation between candidates based on merit:

1) preference will be given to veterans (Section 14 (2) of the Civil Service Act) whether or not they are already in the civil service.

2) preference will be given to civil servants who are on re-employment lists if their qualifications are as good as the best other candidates (Section E, III (C) of the Personnel Policies and Procedures manual.

PERCEPTIONS

We found a great deal of confusion over the notion of preferential treatment. Many men and women indicated that they thought Section 13 (2) a of the Civil Service Act (quoted on page 9 of this report) was designed specifically to give them preferential treatment in the selection process. They felt their rights had been infringed when they did not get such treatment:

> **"Section 13 (1) says selection shall be within the Civil Service whenever possible but we don't follow it."**

The ambiguity in the way managers think about the open access/first consideration conflict was summed up by one Senior Manager who, after stating that the public should have access to employment opportunities in the Government, went on to say:

> **"What are Civil Servants worried about? They'll get the jobs anyway."**

Conclusion Confusion over the application of a "promotion-from-within" policy is having a negative impact on employee perceptions.

POLICY

There is no formal policy linking the performance record of civil servants to the selection process.

However, formal procedures exist for establishing performance records through performance evaluation and for the career development of civil servants through training. As a result, either of these can have a potential impact on an individual's chances for selection for promotion opportunities, despite the absence of any formal policies linking performance and selection.

PROCEDURES

Performance Evaluation

Everyone is supposed to have an annual performance evaluation. Results of the appraisal are supposed to feed into the merit increase pay program, driving movement through the pay range for the incumbent's job.

Training and Development

Four sources of training are available to Civil Service employees to improve their job skills and their ability to rise through the organization:

- in-house (departmental) training and development, which tends to be more formalized in the larger departments
- Commission training courses, which are charged out to the department on a cost-recovery basis
- external training and development which is paid for by the department
- external courses taken in their own time for which the department may or may not reimburse the employee

Managers approve all training for people in their units. However, there are no formal guidelines about what proportion of a department's budget should be devoted to training and development.

ACTUAL PRACTICES

Performance Evaluations

Feedback from the focus groups indicated that performance evaluations are a rare occurrence and that movement through the salary range occurs whether or not there has been a performance evaluation.

Training and Development

Because there is no formal policy on what proportion of a department's budget should be devoted to training (skills improvement for the present job) or development (skills improvement for future jobs), we found that budgeting for training varies significantly from department to department. In practice, training and development decisions and budget setting are all taken at the discretion of managers. We found that some departments budgeted for training and development but others had virtually no budget for training anyone. As a result, there is:

- great variation in the training opportunities available to all employees across the different departments
- no direct connection between planned performance development and pay.

Conclusion There is no consistent practice of measuring or developing performance and no direct connection between performance and pay for men or women.

PERCEPTIONS

Process

Managers and employees both indicated that they consider performance evaluation to be a problem because of the lack of a consistent format or approach.

> **"We sit and talk about whatever. She doesn't tell me how I'm doing."**
>
> **"Everybody seems to feel they're just receiving orders."**

In addition, many managers said that once an employee is at the maximum of the salary range, they see no point in continuing performance evaluations for that individual. As a result, many employees said that they had gone many years without receiving an evaluation. However, all said that they had continued to move through the salary range, whether or not there had been an evaluation and regardless of the rating they received when they did have an evaluation.

Numerous people indicated that they wanted feedback about their performance. However, some said that they had had to initiate the process in order to have an evaluation:

> **"I want them. It ensures there is good two-way communication."**

However, many people in the interviews and focus groups told us that they have not received any training in conducting appraisals. They admitted that, given their lack of confidence in their abilities and the lack of accountability for conducting the appraisals, they often put off doing them.

> **"We don't know how to do them."**

Conclusion Performance evaluation is an under-utilized process and is not effectively tied into the pay process at this time. In addition, there is much scepticism about the value of performance

evaluations as the process is currently practised. That scepticism is held equally by all employees but the effect of the lack of a consistent performance evaluation process on designated group members is that they could potentially be discriminated against in a competition on highly questionable performance "data".

A consistent performance evaluation process and measures for making managers accountable for annual evaluations of their staff need to be developed and implemented in order to give credence to the fair use of the Merit Principle in the selection of civil servants to fill vacancies.

POLICY

The Government has had a formal Affirmative Action policy since 1983 (see Appendix C). Section E III (E) of the Personnel Policies and Procedures manual also states that the Government's Equal Employment policy is:

> **"to ensure that all segments of society have an equal opportunity to enter the civil service on the basis of open competition and to advance according to their relative ability consistent with the basic precepts of the merit principle".**

In addition, there is a policy for including **"special training and management development programs to redress the effects of past practices and to accelerate equalized representation in the work-force"** stipulated in the Affirmative Action Statement. However, the statement limits the definition of disabled persons to those who are physically disabled. We have already noted the need to broaden this definition (page 11 of this report).

With the exception of the need to broaden the definition of disability in the Affirmative Action statement, these policies are in keeping with the Manitoba Human Rights Code.

PROCEDURES

Special Affirmative Action Selection Measures

Affirmative Action can have an impact on the selection process through the implementation of special measures contained in departmental Affirmative Action Plans. The Plans are drawn up by departmental Affirmative Action Committees, chaired by the departmental Affirmative Action Co-Ordinator. The Plans are supposed to show how representation of women, visible minorities, natives and persons with disabilities will be increased at all levels in the Department. They are expected to contain both quantitative and qualitative goals (the latter to help in the achievement of the quantitative goals).

The Plans are reviewed as part of the audit for the renewal of staffing delegation. There is a Central Affirmative Action Committee to provide direction, assistance and advice to the departmental Affirmative Action Committees in their planning activities. This committee is chaired by the ADM, Human Resources Management at the Commission.

Training and Development

There are some training and development programs in place that are specifically designed to give special training opportunities to members of the designated groups. For instance: the Commission has begun to develop Affirmative Action related training and development programs for designated group members but at this point these are primarily for women ready to rise to senior positions.

Managerial approval is required in order to access training programs or funding, whether the training be part of a regular training program or part of specially designed Affirmative Action training programs.

ACTUAL PRACTICES

Impact of Affirmative Action on the Selection Process

We found that there was inconsistency across the Civil Service in the aggressiveness with which different departments are implementing Affirmative Action special measures in the selection process. For instance: the Commission advised us that not all departments have even completed their Affirmative Action Plans and even when a position has been selected as suitable for selection from a specific designated group, some seek actively to do so while others do not.

We found two problems surrounding the inconsistent use of Affirmative Action programs:

- There are no real consequences for managers, including Deputy Ministers, who fail to effectively manage the Affirmative Action process in their department.

- Most Affirmative Action Co-Ordinators are relatively junior employees, with little, if any authority. They are frequently not full-time positions with the result that Affirmative Action does not have a high profile in departmental affairs.

Impact of Goals on the Selection Process

In our study of departmental Affirmative Action plans and our discussions with Commission Staff, we found inconsistency in the aggressiveness of the goals in different Plans. We found even greater inconsistency in the record of different departments in advancing women to senior positions. Finally, as we stated in the Recruitment section, Commission officials told us that there is inconsistency in the practices of managers relative to goals:

> **"There's no continuity within Departments. Each Department has their own autonomy... Each Department is doing whatever they feel they want to do to reach the targets. So we have no way of stopping**

EXHIBIT 11

INTERNAL TRAINING

Dept	C.S.C.		I.T. & T.		FINANCE		JUSTICE		EDUCATION & TRAINING		HEALTH		GOVERNMENT SERVICES	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Number														
Trained	49	115	43	27	58	79	142	178	53	138	60	319	227	101
Percentage														
Trained	29.9%	70.1%	61.4%	38.6%	42.3%	57.7%	44.4%	55.6%	27.7%	72.3%	15.8%	84.2%	69.2%	30.8%

Notes:

o percentages based on sum of Female+Male Internal Training Participants by department (ie., in C.S.C. 29.9% of Trainees were Men)
o of those receiving Internal Training, Women represented as little as one-third (Govt Services) to more than 8 out of ten (Health) participant

that. They're not following the guidelines that were set up by the Central Committee."

For instance: some pro-actively seek to fill vacancies with designated group members because they see "Affirmative Action as an organizational need". Others are continuing the more passive practice of assuming that if they are the best candidate, the process will allow designated group members to win competitions.

Conclusion **The inconsistencies around the goal setting and goal reaching processes in the Departments indicate that they are not having a significant impact on the selection process at this time. However, it is too soon to measure this impact.**

Training and Development Programs

The lack of guidelines around what proportion of a departmental budget should go towards training raises difficulties for all employees wishing to upgrade their skills. The Affirmative Action statement, however, specifically identifies training and development as necessary if designated group members are to develop the necessary skills to move up in the organization.

In our study of departmental Affirmative Action Plans, we also found that many did not contain any plans for special training and development measures. In addition, there was great variation in the amount of formal training programs actually attended by female civil servants in the seven sample Departments (see *Exhibit 11*).

Conclusion **While the short-comings in the training and development systems hold true for all employees, without proper guidelines there is the added potential for discrimination by managers who do not value training or who do not view designated group employees, in particular women, as serious candidates for career development. In practice, little is being done to accelerate their promotability and improve their chances of being selected in future competitions.**

Appeals

Appeals arising out of the Affirmative Action process are heard by the Commission Board. However, many are settled to the satisfaction of the appellant without having to take the appeal all the way to the Board as the result of pre-hearing investigations.

PERCEPTIONS

The Need for Affirmative Action in the Selection Process

Many female civil servants indicated that they resent the implication that they needed special measures to get ahead. They resent being labelled as:

> **"Affirmative Action appointments".**

A conflicting view was provided by other women who said that there were no special measures in place and that, in fact, they had to be better qualified than men and to work harder just to be considered for promotion. In other words, they felt that the selection field is still tilted against them despite Affirmative Action:

> **"Affirmative Action is not improving our opportunities in this department."**

Many women felt impotent in the face of the polite lip service they said they frequently encountered in trying to get ahead:

> **"The policies are all right. It's the implementation."** (Senior Manager)
>
> Affirmative Action is **"not addressed in any way, except when a report is due"** (Senior Manager)
>
> **"Some Departments have a lot of old guard thinking."** (Senior Manager)
>
> **"It's not a priority."**

We found one disturbing theme when individuals (in both the focus groups and the interviews) talked about Affirmative Action. The comment came from different levels and from both men and women that in their opinion:

> **"The real problem in the Civil Service is racism."**

"I personally feel there's racism and it's only now in the data... They're generally less successful in the competitions (but) they often have more qualifications." (Senior Manager)

Conclusion Continuing, non-confrontational education is necessary to remove unfounded concerns, raise awareness and deal with lip service compliance.

As well as rethinking communication strategies, the Civil Service needs to investigate the concerns about racist attitudes raised in our interviews and focus groups.

The Impact of Affirmative Action on the Selection Process

Many men (including senior managers) indicated that they are still uncomfortable with the notion of accelerated advancement for women. Many felt that women were being put into jobs for which they did not have the necessary skills or they voiced the fear that special measures give an unfair advantage to women.

"I've seen some pretty unqualified appointees because of Affirmative Action."

Others felt that there was no need to further emphasize Affirmative Action in the selection process:

"I think that under the circumstances, it (the Affirmative Action program) has moved along well... In five years we have systematized it. But the numbers are slow."

"I would say that the checks and balances and policies are in place to treat people fairly. And the numbers of appeal to the Board is very limited and the numbers that are overturned is very limited which would lead me to believe that there aren't massive problems out there. There are glitches, there are problems .... some things can get out of line and corrective actions are needed and taken... But resources are limited."

In addition, some women felt that the statistical profile of the work-force was inaccurate. They said that in their Departments, women in one Term Appointment who moved to a different position during the year were counted twice in the statistics. In general, the accuracy of the statistics was not held in high esteem:

> **"The focus shouldn't be on statistics.... I can lie very well with numbers, can't you?"** (Senior Manager)
>
> **"They play games with the numbers."**
>
> **"The way Affirmative Action information is gathered is also inconsistent. The way statistics are analyzed and the way it's presented are different for different departments."**

Conclusion Both male and female civil servants have very mixed attitudes about the need or the impact of Affirmative Action in the selection process. This confusion is working against the notion that the Merit Principle and Affirmative action can work effectively together.

More and continuous communication about Affirmative Action is needed to satisfy women that they are getting fair consideration and to satisfy men that they are not suffering any disadvantage.

Appeals

Women consistently indicated that they would hesitate to lodge a selection appeal based on Affirmative Action issues because of the negative consequences it would have on their careers:

> **"You wouldn't dare."**
>
> **"You really have to be careful how you approach** (the appeal process). **You get branded."**
>
> **"It's not so much a sense of fear as a sense it's not going to do any good so why bother."** (Senior Manager)

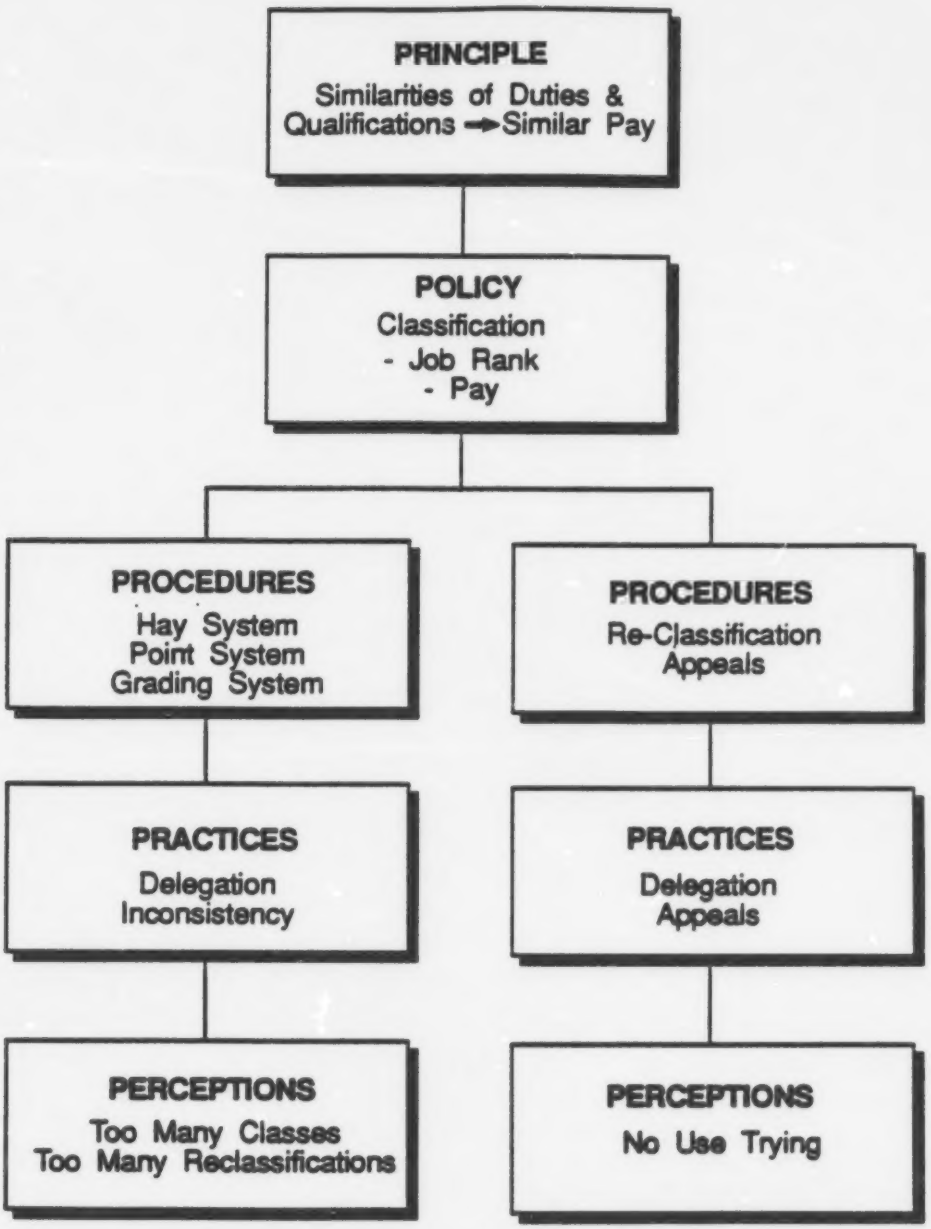
Conclusion The appeal process is not perceived or utilized as a valid alternative for women at this time.

Impact of Geographical Location on Affirmative Action Thinking

While we found that women in the smaller centres tended to be even more concentrated in gender-stereotypical jobs (secretaries, clerks, nurses) than in the larger centres, they also seemed to be more accepting of this situation than women were in the larger centres. They viewed attempts to improve the lot of female civil servants through Affirmative Action as something

> **"that really exists in Winnipeg. There is not much interest or progress in Affirmative Action here."**

CLASSIFICATION



SECTION FOUR
CLASSIFICATION

GOVERNING PRINCIPLE

Another cornerstone of the human resource practices in the Civil Service is the concept that jobs with **"the same or like qualifications"** may be grouped together in classes so that **"the same schedule of pay may reasonably be applied to all positions in the same class"** (Section 7 [2] of the Civil Service Act).

From this principle flow the policies which govern the classification and pay programs in the Civil Service.

POLICIES

The Government's policy of classifying jobs is the mechanism it uses to ensure that all jobs are systematically rank ordered and paid fairly, relative to job size regardless of where they occur in the Civil Service.

Two policies are relevant to the issue of classification:

- the policy of systematically assessing the relative value of jobs in order to properly rank order them (job evaluation)
- the policy of providing similar salary opportunities for jobs of similar measured size (Section 7 [2] of the Civil Service Act.)

FORMALIZED PROCEDURES

Job Evaluation

Job evaluation is used by the Civil Service to measure the size of the many jobs held by the approximately 17,000 employees so that they can be appropriately rank ordered and classified. There are three systems used:

- a formalized job ranking system for senior officer and excluded positions
- a discrete point rating method for three specific classifications
- a class/grade or ranking description method for the remainder of the jobs

While each system is designed to be gender neutral, there are two issues to consider in regard to the job evaluation process as it exists now:

1) Using more than one evaluation method necessarily raises problems of consistency across the entire spectrum of jobs.

2) Evaluating Working Conditions is required under Manitoba's Pay Equity legislation but it is not included as a discriminating factor in the use made of any of the three evaluation methods. The factor is available under the Hay Method but the class/grade description method does not lend itself to addressing Working Conditions.

Conclusion The Government's policy of evaluating all jobs is gender neutral but the limitations in the procedures used mean that special evaluations had to made for gender dominant positions in order to meet the legislated requirements of the Manitoba Pay Equity Act. These special evaluations may continue to be needed for on-going pay equity evaluations, resulting in possible duplication of work. However, if the law states that Working Conditions is an important factor when evaluating positions, particularly those traditionally held by women, it is troubling to have the largest employer in the province not use it on a regular basis when evaluating all positions.

Classifications

As with the staffing process, it is the policy of the Government to begin delegating the classification authority to departments, with appropriate training and support provided by the Commission. However, the Commission will continue to play a leading role in the process, providing training, acting as a central resource and monitoring the quality of the evaluations/classifications made.

Re-Classifications

Since jobs do change over time, there is a procedure for re-classifying jobs. An employee can ask his or her manager for a re-classification or the manager can initiate the request. A new job description is needed and then the Commission will re-examine it. This may or may not result in a re-classification.

The re-classification authority will be delegated to the departments when they receive the authority to begin classifying jobs.

Appeals

The employee has the right to appeal a negative decision concerning a request for re-classification. Section 31 (1) of the Civil Service Act authorizes the Commission to make final decisions on appeals. The appeal body is made up of the Civil Service Commissioner (the most senior officer in the Commission) and outside appointees.

It is appropriate that the Commissioner have responsibility for the quality of the classifications made by his or her staff. However, assigning a decision-making role to that officer when the validity of the classifications is under appeal represents a potential conflict of interest.

With delegation, some of this conflict of interest should disappear. However, it is important to note that even though a classification may have been made by a Department through delegation, Commission staff will still have approved it and later re-approved it through the investigation process before any appeal goes

before the Board. In other words, the conflict of interest does not entirely disappear with delegation.

Conclusion

Having the staff of the Commission accountable for the quality of the classification system, as stipulated in the Civil Service Act, is not in question. What is of concern is the fact that one party in the appeal process has representation on the decision making authority (the appeal body) and the other does not.

In order to maintain a true arm's length relationship in the appeal process, no member of the Commission should actually sit on the appeal body. That body's decisions should be binding to complete this arm's length relationship.

ACTUAL PRACTICES

Number and Consistency of the Classifications

There are over 800 classifications in the Manitoba Civil Service.

We found that there is considerable inconsistency in the breadth of the classifications used. Some of the classes are very broad, encompassing a variety of jobs across many departments. Others are very narrow and department specific, with the need to deal with only slightly differing subject matters separating similar functional jobs. In other words, there is no consistent policy or methodology for having a consistent point spread within one classification. The result is that in many cases, there is no difference between the job titling process and the job classifying process.

There are four potential problems with this lack of consistency:

First — It raises the question of whether some classifications are based on bona fide occupational requirements.

Second — A program that is supposed to create consistency of treatment can result in unequal treatment.

Third — It invites a jiggling of the system.

Fourth — In practice, it means that jobs which should be considered possible lateral moves are often considered promotions or demotions with consequent salary implications because of the salary range program that is linked to job classifications.

Conclusion — The lack of a uniform point spread formula for governing the classification structure creates a stepped process with widely uneven steps. This builds unequal treatment of civil servants into the classification process. It also complicates rather than simplifies things, particularly when it comes to transfers.

It would require an exhaustive study of the entire classification structure to determine if any one group of the civil servants was more disadvantaged by this unevenness than another. A simpler approach would be to work to develop a consistent formula and create a new, more simplified classification system.

Different Levels within a Classification

Within each classification series there are generally three or four classes or levels: entry level, working level and supervisory level/more complex assignments.

Employees voiced the opinion that, in practice, Level 3 tends to be defined exclusively as "supervisory" and "more complex assignments" is not used. This means that non-supervisory jobs that do more complex work may not be not recognized.

Conclusion Since many of the lower level female dominated jobs tend to have no supervisory responsibilities, there is cause for concern is this practice and a need to set clear standards for different levels within a classification and monitor the consistency of the application of the standards carefully.

Central Up-dating of Classifications

The Commission is currently revising classification specifications that are out of date according to the skills/expertise required, supervision received, independence and decision-making freedom, consequences of actions, and contacts in the jobs as they now exist. However, limited staff resources in the Commission mean that the process is slow. As a result, some jobs have been reviewed but most have not. This means that there is great inconsistency in the currency and accuracy of different job classifications with three specific consequences:

1) job documentation is not current for the appeal process

2) if working conditions information is available for some positions in the job documentation, it should be available for all positions for the appeal process

3) unnecessary jockeying for re-classification of a specific incumbent's position and possible duplication of work will occur as long as the central up-dating process is bogged down.

Conclusion Speed up the process.

EXHIBIT 12

RECLASSIFICATIONS

Dept	C.S.C.			I.T. & T.			FINANCE			JUSTICE			EDUCATION & TRAINING			HEALTH			GOVERNMENT SERVICES		
	Denied	Granted		Denied	Granted		Denied	Granted		Denied	Granted		Denied	Granted		Denied	Granted		Denied	Granted	
		other than req'd	as req'd		other than req'd	as req'd		other than req'd	as req'd		other than req'd	as req'd		other than req'd	as req'd		other than req'd	as req'd		other than req'd	as req'd
Number																					
Reclass'n	0	0	4	0	0	2	2	0	38	13	0	61	1	1	18	3	1	76	7	1	26
Percentage																					
Reclass'n	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	5.0%	0.0%	95.0%	17.6%	0.0%	82.4%	5.0%	5.0%	90.0%	3.8%	1.3%	95.0%	20.6%	2.9%	76.5%

Notes:

o percentages based on sum of Denied+Granted by department (ie., in C.S.C. 100% of Reclassification requests were Granted as requested)
o gender breakdown was not provided
o the large majority of Reclassifications requested are granted as requested

Re-Classifications

In most cases, requests for re-classification are granted (see *Exhibit 12*). As well as having a high success rate, we found that a great deal of energy and attention is directed at the process of re-classifying jobs. Managers and employees both stated that this was largely because they viewed re-classification of jobs as a means of creating promotional opportunities despite the current hiring restraints.

Conclusion This is an understandable use of an opportunity lever in a low opportunity environment. However, the negative side of all the activity involved is that it creates an ever more complicated administrative structure with all the impacts of uneven treatment that are inherent in that situation (as noted on page 58 of this report).

Impacts of Delegation

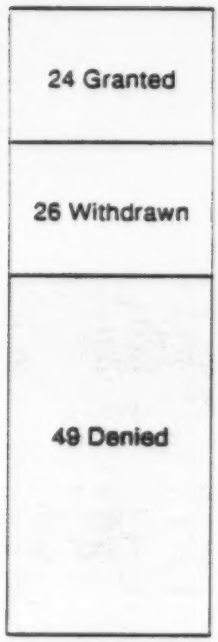
Since this is a new policy, it is too soon to judge the impacts of delegation on the classification process.

However, given the amount of re-classification activity (noted above) while the process still had a central control mechanism, there is some cause for concern over the possibility of maintaining consistency of classifications after delegation. In addition, the fact that half of the very few re-classification requests that were denied during this period came from one department (see *Exhibit 12*) is another cause for concern about the Government's ability to maintain control of this process after delegation.

Conclusion Delegation has the positive effect of clearly defining accountability. However, strict control is required in order to ensure fair application across all Departments such as the development of quality standards against which each department's classifications will be measured after delegation.

EXHIBIT 13

CLASSIFICATION APPEALS



105 Appeals

Appeals

While there are many re-classification requests, there are not many classification appeals since roughly 90% of the requests are granted and therefore, never go to appeal, according to Commission records. In the five year period between 1985 and 1990, there were 105 classification requests that did go to appeal. However, there appears to be less of a log jam in the case of classification appeals since all were dealt with. As ***Exhibit 13*** shows, in that period:

- 26 appeals were withdrawn
- of the 73 heard, 24 were granted
- 49 were denied (67%)

Conclusion Appellants have a greater success record in changing a classification through the appeal process than in changing a selection decision, (33% versus 24% for selection appeals).

PERCEPTIONS

Number and Equity of Classifications/Re-Classifications

Managers voiced contrary opinions about the validity of the classification system. Some said that the **"excessive number of Manitoba classifications"** makes the classification program clumsy and also encourages the very human response to try to manipulate the system by moving jobs up slightly in points so as to warrant a re-classification.

> **"It's the only way to move up."**

However, almost all employees and managers demonstrated a poor understanding of the classification process. In addition to mixing up the classification and titling programs, the majority perceive classification and pay to be synonymous.

> **"That's how you get more pay."**

This perception is bolstered by the apparently common practice of seeking re-classification of the job upwards once the semi-automatic pay increases have brought the individual to the top of the salary range.

> **"The Civil Service looks for certain words. If you know them, you can write the request."** (Senior Manager)

However, in general, female employees were less sanguine about the equity of classifications than men. We found this varied according to Department, but generally, female civil servants were concerned that positions are classified at a higher level if the incumbent is male and at a lower level if the incumbent is female.

> **"They look at who's in the job. If it's a man, it goes up."**

Conclusion The classification system is so complex, jobs are so often re-classified, and there are so many complaints about the classification system which are actually complaints about the pay system, that the whole classification process appears to have very little integrity in the eyes of both males and females. The ground is ripe for misunderstandings to be interpreted as discrimination by designated group members.

Much of the confusion could be cleared up if a clear, understandable explanation of job evaluation and classification were developed and distributed to all employees in order to begin raising the understanding and credibility of both.

Consistency and Equity of Classifications Under Delegation

Despite employees' concerns about the classification process, personnel specialists in both the Commission and in Departments felt that there is consistency and equity in the application of department-specific classifications. Departmental specialists feel well-equipped to handle the delegated responsibility of classification in their departments. However, all voiced concern that there was a lack of consistency for multi-departmental classes and worried what delegation would do in this area.

"They don't have a clue how to do it." (Senior Manager)

Conclusion The consistency of all classifications will need more careful monitoring as delegation of classification authority takes effect.

The best way to do this is to develop standards and sanctions for those departments whose classifications do not meet those standards.

Appeals

People were particularly cynical about the classification review and appeal process. They recognize that they do not understand class/grade differences sufficiently to argue their own cases effectively before the Board. While it is natural that the Commission representatives would be more knowledgeable (they understand job evaluation and the classification system and they have already investigated the specific appeal before it gets to a hearing) people in the focus groups indicated that they felt they were in a losing we/they confrontation in the process. Indeed, some voiced the opinion that "they"

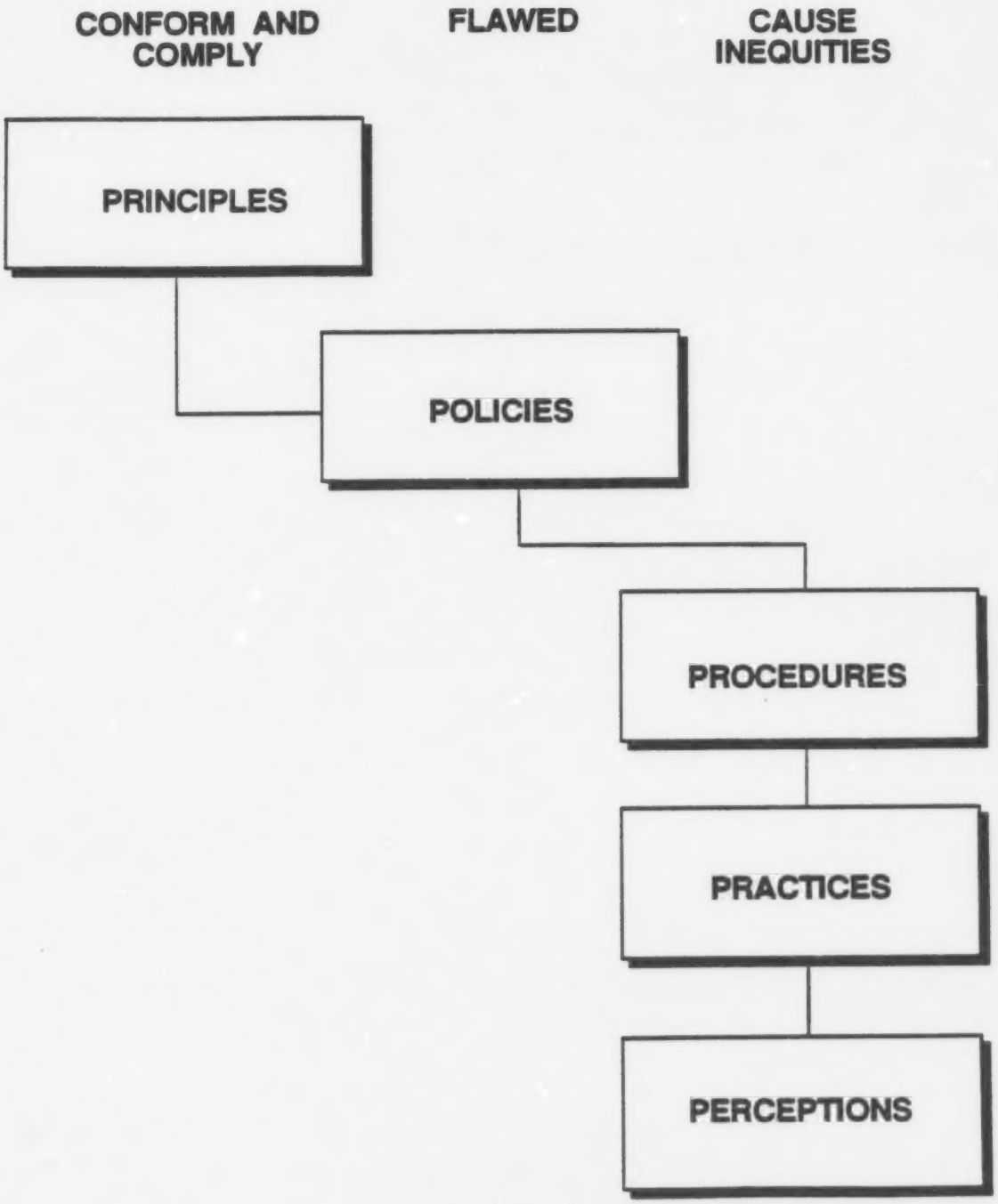
"... will punish us if we cause trouble".

Conclusion

The appeal process is clearly laid out in policies, systems and procedures but in practice, employees and managers are mistrustful of the adversarial nature of the proceeding and the perceived lack of redress through the process. Women were slightly more cynical about their chances in a re-classification request than men.

An adversarial Appeal process in which one side has access to the lion's share of information and expertise does not create an environment for fair and equitable treatment of civil servants.

CONCLUSION


CONFORM AND COMPLY
FLAWED
CAUSE INEQUITIES
PRINCIPLES
POLICIES
PROCEDURES
PRACTICES
PERCEPTIONS

SECTION FIVE
OVERALL CONCLUSIONS

GENERAL OBSERVATIONS

As a result of our research, we found that there were areas in which the policies, procedures and practices of the Manitoba Civil Service did cause, or allow to cause, inequitable treatment of women and where they did not conform and comply with the relevant legislation. The issues fell into five broad areas of concern.

Non-conformity with Legislation Resulting From:

1) **An Overly Bureaucratic Approach to Human Resource Management**

It is the business of the Civil Service to weigh and decide between conflicting interests in order to come up with solutions that are in the best interest of the public as a whole. A bureaucratic structure works well for managing this kind of "risk" in an orderly fashion. However, it also works against implementation of new, more responsive and more flexible approaches to human resource management such as those mandated by recent legislation. Furthermore, since inflexibility and rigidity are also out of step with societal pressures, impatience and cynicism are caused by the Government's apparent slowness to comply with the legislation.

In order to break through inertia and make the Government's approach to human resource management more in keeping with societal and legislated pressures, the human resource policies and procedures need to be re-written to focus on the results to be achieved.

Inconsistently Equitable Treatment of Civil Servants Resulting From:

2) **Lax Human Resource Practices**

It is an anomaly that even though there is a long and detailed Policies and Procedures manual, there are many officially sanctioned ways of overriding the regular procedures and no mechanisms for measuring the

misuse of those override options or for meting out consequences for their misuse. Thus, despite the rigidity inherent in a bureaucratic culture, managers have great license for avoiding changing long-held practices.

The Government needs to tighten the procedures to close the gaps or loop-holes. The best way to do this would be by setting measurable standards for the extent with which any override option can be used. Furthermore, it needs to hold managers accountable for maintaining those standards by monitoring usage and providing consequences if they are not adhered to.

3) **Ministerial Intervention and Political Patronage**

The Government by its very nature operates in a political environment. However, Ministerial intervention in the staffing process mitigates against the policies and procedures in place as well as being out of step with societal pressures. These interventions also subvert the credibility of the Merit Principle and of the fair and equitable treatment of civil servants, regardless of gender.

As personnel procedures are decentralized to the Departmental level, the role of the Deputy Minister in effectively managing these processes becomes increasingly important. In shifting more authority to the Deputies, the stage must be set for a more results-oriented accountability.

Towards this end, it is our view that clearly articulated policies are needed, defining the actual roles of Deputy Ministers in overseeing the operation of their Departments, including how they are to be held accountable. These role clarifications would provide Deputy Ministers with sufficient stature to reduce, and perhaps in time eliminate Ministerial intervention in the staffing process. This approach should in no way detract from the Minister's ultimate responsibility for the Department and for ensuring that the Deputy Minister is serving the best interests of the Department.

Disparities in Practices Resulting From:

4) **Managerial Attitudes**

Despite the good intentions of the Government's human resource philosophies and approaches, some managers (particularly long-service

male managers) are using the gaps in the procedures in order to continue managing their departments in the way they want to, as opposed to the way they are supposed to. As we stated in each of the research sections of this report, we found no evidence of overt discrimination in the policies and procedures of the Civil Service. However, we did find resistance to dealing with systemic discrimination in practice.

It is difficult to change attitudes. The Government can only use the tools of a) more and continuous education about what is expected of managers in managing for the 90s and b) putting teeth into that education process through implementation of direct consequences for measurable abuses.

5) **Inadequate Commission and Personnel Administrator Support of the Merit Principle**

Technically, these two groups of people are the protectors of the Merit Principle and fair and equitable treatment of employees. However, neither has a solid image of fulfilling that role. Both are too often seen as either weak or as officiously intrusive. This lack of credibility has a negative carry-over effect on the principles that they are supposed to be upholding.

Indeed, we found the Merit Principle to be devalued and cynicism about its application in fair and equitable treatment of civil servants to be widespread. Therefore, a concerted communication campaign is needed to reiterate what it means in the Civil Service in the 90s.

However, the calibre of Personnel Administrators needs to be improved and made more consistent through focused, job oriented training and education if they are to stand up for the Merit Principle as well as the principle of fair and equitable treatment of civil servants. In addition, the Commission must enhance its role by taking a more proactive stance in promoting, monitoring and ensuring effective application of the Merit Principle throughout the Civil Service.

GENERAL ASSESSMENT OF THE PRINCIPLES AND POLICIES

We found the intentions of the policies in connection with recruitment, selection and classification to be exemplary. They are founded on valid human resource principles and incorporate the concepts of equitable treatment for all civil servants as enshrined in The Civil Service Act, the Employment Standards Act, the Manitoba Human Rights Code and the Canadian Charter of Rights and Freedoms.

Non-Conformity with Existing Legislation

However, we found that the policies are not precise enough to ensure consistent application or conformity with the Manitoba Human Rights Code. Since the Code prohibits "**any act or *omission*** (our emphasis) **that results in discrimination .... regardless of the form that the act or omission takes and regardless of whether the person responsible for the act or omission intended to discriminate**", the omissions that we found mean that the current policies do not sufficiently guard against systemic discrimination even though they conform with the existing legislation in guarding against overt discrimination.

In addition, we found two specific areas where the policies are in direct contravention of existing legislation:

1) **the limitation placed on what constitutes disability (namely, physical disability) in the Affirmative Action policy statement.** This limitation is not in keeping with the Manitoba Human Rights Code and the Canadian Charter of Rights and Freedoms which protect persons with physical and mental disabilities.

2) **the lack of a consistent policy for incorporating Working Conditions as a measurable factor throughout the job evaluation program.** The use of Working Conditions as a job measurement factor is designed to ensure that traditional female jobs can be fairly valued in the ranking and pay programs of the civil service. While it was used in the evaluation of jobs for the Pay Equity Plan, its absence from the regular job evaluation process is troubling as it does not appear to be in keeping with the spirit of the Manitoba Pay Equity Act which derives its authority from the Manitoba Human Rights Code.

These policy shortcomings mean that civil servants are not receiving the full protection of existing legislation and that there are insufficient safeguards against systemic discrimination.

GENERAL ASSESSMENT OF THE PROCEDURES

When we went on to inspect how the policies are incorporated into the formal recruitment, selection and classification procedures, we found that the shortcomings in the policies do, in fact, result in procedural inconsistencies.

Inequitable Treatment of Civil Servants

For each of the three human resource systems we studied, we found that there was always a single, causative factor to which the inconsistencies of the system under review could be traced. Those three factors were:

Recruitment Here the key problem is the **lack of clear, consistent rules governing internal/external recruiting**.

Using external recruiting for non-entry level positions by its very nature puts civil servants' career expectations at risk. However, it could be justified as a way of incorporating the Merit Principle if all positions were always advertised both internally and externally. When candidates are recruited for externally in some cases and not in others, it means that the competition process is not consistent. The high level of arbitrariness is contrary to dependably equitable treatment of civil servants in the recruitment procedures.

Selection Here the key problem is **inconsistent incorporation of the Merit Principle** throughout all aspects of the selection process.

The opportunity for training is unequal, the implementation of performance appraisals is unequal and the application of pay for performance is also unequal. With no other clear principle to take the place of the Merit Principle, ad hoc "rules" can be made to apply. Arbitrariness once again chips away at equitable treatment of civil servants in any given situation and also permits systemic discrimination to exist.

Classification Here the key problem is the **lack of integrity in the classification system** itself.

The overly complex, inconsistent classification levels, together with an excessive manipulation of the re-classification process on a "special case" basis, strike at the heart of the integrity of the classification program. The result is, once again, arbitrariness and a lack of consistency in the way individual jobs may be treated relative to others.

GENERAL ASSESSMENT OF THE PRACTICES USED

With policies that are flawed by omissions and procedures that are flawed by lack of rigour, it was not surprising that we found disparities in the way people are putting the recruitment, selection and classification procedures into practice. These disparities demonstrate a worrisome laxness in the approach to human resource management which permits an actual erosion in the equity with which civil servants are treated.

Disparities in the Practices Used

We found the inconsistent practices to revolve around four fundamental problems:

- the lack of clear accountability for actualizing the Merit Principle in the recruiting/selection processes
- the lack of clear accountabilities for the quality assurance of the recruiting, selection and classification systems after delegation
- the lack of credibility of the appeals process as a legitimate or efficient recourse for all civil servants
- the lack of consistency in the approach to Affirmative Action as a means for redressing systemic discrimination against women

Nonetheless, when we studied the inconsistencies for their adverse impact on female civil servants using the standard yardstick of the 80% Rule (namely: female civil servants' success rate should be within 20% of the success rate for male civil servants) we found no quantifiable indication of adverse impact. This means that **discrimination in aggregate form is not occurring, despite the continuing incorporation of practices and procedures which condone instances of systemic discrimination.**

In light of this, it is important to recognize that the push towards delegation, while commendable, will likely increase the potential for systemic discrimination through inconsistent practices **unless the disparities are addressed soon and in a concerted manner.** In Section Seven of this report we will provide several Recommendations to address this situation.

GENERAL ASSESSMENT OF PEOPLE'S PERCEPTIONS

Impact of the Inconsistencies on People

In our interviews and focus groups, we found one fundamental issue at the heart of all the problems people saw in the processes under review:

- the recognition by both managers and subordinates that the Merit Principle could be used to justify any procedure and just as easily ignored to permit any other procedure.

The essential cynicism that this causes cannot be over-emphasized. Its effect on morale, particularly in a time of hiring and promotion restraints, is critical. Therefore, the next question is, "What can be done about it?"

The Government of Manitoba is a very large organization. This causes problems of inertia which the civil service has recognized and seeks to defuse by delegation. Given that most of the practical problems that we found causing the devaluation of the Merit Principle are the result of too loose human resource practices, not bad intentions, we believe that the overriding challenges for improving perceptions about the human resources processes in a decentralized environment are:

First **to tighten up the recruiting, selection and classification policies and procedures so that they can work in the new, decentralized environment**

Second **to include standards and sanctions that will force greater consistency and enable people to see that the systems are working well.**

For this reason, wherever we feel standards and sanctions are required, we have provided suggestions for incorporating them in our Recommendations contained in the next section.

SPECIAL IMPACTS ON WOMEN

Many of the problems we found in the Recruitment, Selection and Classification processes affect all employees. However, they also have some special impacts on women:

Recruitment

Open competitions. On the one hand, female civil servants did better than men in both Open and Closed Competitions in the seven sample departments. However, they didn't do as well in the Open Competitions as in the Closed ones. Therefore, the heavy use of Open Competitions is having a disproportionately negative effect on female civil servants.

Selection

Merit Principle. Both the Manitoba Human Rights Code and the Manitoba Civil Service Act establish personal merit as the only valid basis for differentiating between individuals in employment practices (unless for purposes of specific Affirmative Action activities). Female civil servants rely absolutely on the Merit Principle to level the playing field so that their qualifications for a job can get fair consideration. Any deviation from adherence to the Merit Principle permits systemic discrimination to occur. No amount of Affirmative Action special appointments can make up for the loss of a "fair shake" in the regular selection process based on merit. It also discourages many women from seeking advancement a second time.

Waivers. These are a double-edged sword for female civil servants. On the one hand, they can be a good way to accelerate their advancement or to acknowledge clear merit in an appointment. However, with no controls on their use, they can also be a way of bringing in unqualified males or females from the outside. In addition, by avoiding the competition process, a female civil servant receiving a waived appointment is subject to the innuendo of being "Just an Affirmative Action appointment", no matter how well qualified she may be, putting her at a disadvantage on the job.

Training. Since more female civil servants are caught in low level, low salary jobs than male civil servants, they are more dependent on training and development opportunities than male civil servants. Any inequities in the availability of training and development opportunities (such as we did find) has a disproportionately negative impact on their career aspirations.

Appeals. The adversarial nature of the appeal process, its slowness, the apparent lack of redress provided, the conflicts of interest of Commission members of the appeal body, and union commitment to support the appellant with the most seniority in a multi-appellant case, all have an insidious, negative impact on women. Legitimate complaints from women in junior positions may never be raised. If they complain, they run the risk of being branded as either whiners or radical trouble makers.

Classification **Inconsistent classification levels**. The overly complex classification system, with its inconsistent classification levels for the many different classification standards, sets up irrational rank relationships between jobs and also creates barriers to legitimate lateral moves within a job family or a function. Since taking advantage of lateral moves is a key development lever for female civil servants, these classification anomalies have a more negative impact on female than on male civil servants.

However, it is important to recognize that the Government of Manitoba is not a bad employer for women. As the flow data opposite page 15 showed, there are more women now in the civil service than ever before and they are making headway, albeit slowly, into middle and more senior management positions. Indeed, many male civil servants honestly believe that the Government of Manitoba is doing everything it can to provide fair and equitable employment and promotion opportunities to women.

Nonetheless, female civil servants say that the wins are still too few and too far between and it takes an unfair amount of energy to accomplish them. In other words, it does not feel like fair and equitable treatment to them.

One of our main tasks in this project was to assess whether or not these different perceptions are based on anything more than differences of opinion. Our answer is, "Yes, they are." The disparities that we found demonstrate that while the Government of Manitoba is, on balance, a good employer, consistently dependable equitable treatment is not always available to all Manitoba civil servants, and in particular, it is not yet available to all female civil servants.

Thus, there is a third major challenge facing the civil service today:

- **the need to cut through complacency with the existing systems and speed up the process of levelling the playing field for all civil servants.**

By putting sanctions around several of our Recommendations, we hope to accelerate the redress process. The resulting tightening up of the human resource practices should be to the benefit of all civil servants, not just women or any other group.

SECTION SIX
RECOMMENDATIONS

FORMAT

We will present our recommendations according to the three diagnostic categories used in the rest of the report: Recruitment, Selection and Classification.

Within each section, we will discuss the policies, procedures and actual practices according to the three tests that the Terms of Reference outlined:

- do they **conform and comply** with the requisite legislation?
- do they result in **inequitable treatment** of civil servants?
- are there **disparities** to be removed?

Most of our recommendations suggest that some direct action be taken. There are, however, some instances where we recommend further study and assessment through audits and monitoring techniques. We recognize that these recommendations appear "softer" but we consider them to be no less important in any way than our other suggestions. Where our study simply identified the *potential* for misuse, we consider it important for the Government to properly assess the effect of that potential before taking corrective action. Only in this way, can the Government avoid the risk of taking inappropriate corrective actions.

There were a number of concerns raised by participants in the focus groups and interviews which relate to bargaining issues. Since making specific recommendations about these concerns is outside the mandate of this report, we will close with a section outlining these concerns but will not make any recommendations as to how the appropriate bodies should address them.

RECRUITMENT RECOMMENDATIONS

Policy Changes

1) **The Commission** to draw up a consistent policy concerning the use of Open Competitions that will remove the ambiguities of the current "public interest" guidelines. Specifically, we recommend that all positions that are being filled by the competition process should be advertised internally and externally at the same time so as to create a totally level playing field in the competition process.

Objective = Consistently equitable treatment of civil servants

Report Reference = Pages 10 and 13.

Procedural Changes

2) **The Commission** to audit the number of Waivers versus Competitions and set appropriate standards to limit their use. Deputy Ministers to be accountable for that ratio not being exceeded in their Departments, with removal of delegation the consequence for exceeding the ratio.

Objective = Removal of disparities in the recruitment process.

Report Reference = Pages 13, 14, 17 and 18.

3) **The Commission** to study the number of Term and Acting Appointments used in a designated test period in order to assess whether or not the predominance of female appointments to such position is having a long-term negative effect on their career movement into more senior, permanent positions. If this is found to be the case, **the Commission** should develop a workable ratio of Term/Acting Appointments to Permanent Appointments to be used as standards for the Departments.

Objective = Removal of disparities in the recruitment process.

Report Reference = Page 18

Changes To Practices

4) **The Commission** to track the rate of outreach programs used, the number of designated group applicants for positions and the number of designated group appointments resulting from either outreach programs or managers accessing the skills inventory, in order to determine the effectiveness of the programs as well as the hiring records of the Departments.

Objective = greater conformity with the intent of Affirmative Action legislation

Report Reference = Page 12 and 13

Changing Perceptions

5) **The Commission** to publicly communicate any new policy on Open and Closed Competitions to clarify the connection between the first consideration clause and the Merit Principle.

Objective = greater perceived equitable treatment of civil servants

Report Reference = Pages 19 and 20

6) **The Commission** to communicate the new Waiver/Competition standards in order to add credence to the policy of open access to employment.

Objective = greater perceived equitable treatment of civil servants

Report Reference= Page 20 and 21

7) **Directors of Personnel/Personnel Administrators** to publish the annual record on actual Open, Closed (as long as both continue) and Waived appointments in order to make senior managers publicly accountable for the style of their management of the recruitment process.

Objective = greater perceived equitable treatment of civil servants

Report Reference = Pages 19 to 21

SELECTION RECOMMENDATIONS

SELECTION ISSUE #1 - THE COMPETITION PROCESS

Policy Changes

1) Same policy governing the use of Open Competitions as #1, page 75

2) **The Commission** to draw up a clear policy making **Deputy Ministers** accountable for staffing in their Departments (with the exception of senior level positions staffed by the Commission), for the maintenance of the approved level of staff years and for reporting to their Ministers on the overall payroll levels of the Departments.

Objective = Reduction of disparities in the selection process through political patronage appointments.

Report Reference = Page 26

3) No member of the **Commission** to sit on the appeals body so as to provide an unbiased hearing tribunal for the appeal process in which neither the appellant nor the Commission have a representative hearing the appeal.

Objective = Removal of a disparity in the appeal process.

Report Reference = Pages 24, 25, 36, 37, 52 and 53

Procedural Changes

4) **The Commission** to audit the relative success rates of female and male civil servants applying for senior positions in order to ensure women receive an appropriate portion of the appointments (at least 80% of the male appointments).

Objective = Removal of gender disparities in the selection process.

Report Reference = Page 28 - 29

5) **The Commission** to develop a payroll audit process to provide the necessary information to elected Ministers to enable them to track overall payroll expenditures in their Departments without having a direct involvement in the hiring and selection process.

Objective = Consistently equitable, non-political treatment of civil servants in the selection process.

Report Reference = Pages 23, 26 and 32

6) **The Commission** to clarify and communicate the concept that the role of departmental Directors of Personnel and Personnel Administrators runs parallel to that of the Commission - to ensure fairness and impartiality in the staffing process and to act as guardians of the Merit Principle.

Objective = Removal of disparities in the application of the Merit Principle in the selection process.

Report Reference = Pages 23, 24, 26 and 27

7) Only appropriately trained **Commission and Personnel Administrators** to be allowed to develop, administer and evaluate employment tests designed to reveal the knowledge, aptitude, intelligence, personal qualities or competence of candidates.

Objective = Closer conformity with employment legislation.

Report Reference = Page 24 and 27

8) **The Commission** to develop guidelines for **Personnel Administrators** to apply in order to ensure protection of the permanent status of employees with satisfactory performance who wish to apply for term positions as a developmental opportunity.

Objective = Equitable treatment of civil servants.

Report Reference = Page 30

Changes to Practices

9) **The Commission** to reinforce the training and re-training programs for all staffing and classification officers, including participation in biannual re-training programs as a prerequisite for any delegated staffing authority.

Objective = Removal of disparities in the screening process.

Report Reference = Page 26 - 28

10) **The Commission** to review the methods for creating selection criteria to ensure that:

- o selection criteria are clearly distinguished from position specifications so that they reflect legitimate entry level performance requirements, not the level required of an experienced incumbent
- o selection criteria are strictly job-related
- o reliance on subjective criteria (such as personal suitability factors) are limited, and when used, that they are job related, demonstrable and quantifiable.

Objective = Removal of disparities in the selection process.

Report Reference = Page 27 - 28

11) **The Commission** to develop and deliver up-dated interview skills training programs as well as on-going education materials for managers involved in the hiring processes at the departmental level.

Objective = Consistently equitable treatment of civil servants in the selection process.

Report Reference = Page 26 - 28

12) **The Commission** to communicate the concept that equivalent work experience should have the same weight as educational qualifications in the selection process for all those jobs not

governed by professional regulations (such as nursing, engineering, accounting, the law).

Objective = Conformity with employment legislation.

Report Reference = Page 35 and 36

Changing Perceptions

13) **The Commission** to develop:

- o timeframes within which **Personnel Administrators** must send out notification letters
- o guidelines identifying the information that should be included in those letters (for instance: names and numbers of people to call to find out the competition status, etc.)

Objective = Perceived equitable treatment of civil servants.

Report Reference = Page 31

14) **Personnel Administrators** to be accountable for providing applicants for jobs under their jurisdiction with the notification letters a) acknowledging their application and b) advising them of their status in connection with the interview process, so that they can see that fair employment access is being provided.

Objective = Perceived equitable treatment of civil servants.

Report Reference = Pages 31

15) **The Commission** to develop a mechanism for tracking whether or not Departments complete the two notifications as part of the staffing audit process. Particular emphasis in this audit should be directed towards tracking those appointments which might be seen as "unfair" - Acting Appointments, Transfers, Underfills, and any other appointments by Waiver.

Objective = Perceived equitable treatment of civil servants.

Report Reference = Pages 31 and 36

SELECTION ISSUE #2 - PUBLIC INTEREST

Changing Perceptions

1) **The Commission** to communicate more clearly about the difference between promotion from within and preferential treatment.

Objective = Perceived equitable treatment of civil servants

Report Reference = page 38 and 39

SELECTION ISSUE #3 - PERFORMANCE RECORDS

Policy Changes

1) **The Commission** to issue a clear policy regarding the Government's commitment to training and development by setting guidelines on the proportion of departmental budgets that should be allocated to training and development. **Deputy Ministers** to be accountable for the inclusion of the required training funds in the departmental budget.

Objective = Removal of disparities in the training and development policy.

Report Reference = Page 40 - 42

Procedural Changes

2) **The Commission** to develop a standardized, objective-oriented approach to performance evaluations, with a consistent rating system and the inclusion of planning for training and development in the interviewing process, to be implemented across all Departments for all levels of employees.

Objective = Equitable treatment of all civil servants

Report Reference = Pages 42 - 44

3) **Managers** to be held accountable for the performance evaluation process in their unit. This accountability to be accomplished by including a rating which reflects how well they managed the performance evaluations as one of their yearly objectives on which their own performance is evaluated.

Objective = Removal of disparities in the occurrence of performance evaluations.

Report Reference = Pages 42 - 44

4) **The Commission** to develop clear and specific systems for providing accessibility to training and development to ensure consistent application throughout the civil service. **Personnel Administrators** to retain duplicate copies of all training program descriptions and to publicly communicate about them annually, including how employees may find out about and apply to available programs.

Objective = Removal of disparities in access to training and development opportunities

Report Reference = Page 42 - 44

Changes to Practices

5) **The Commission** to develop and deliver performance evaluation training programs to all new supervisors and managers and to make the information from the programs available to existing supervisors and managers in order to ensure greater consistency in the application of the performance management process.

Objective = Consistently equitable treatment in the performance rating of civil servants.

Report Reference = Page 43 -44

6) **Personnel Administrators** to retain copies of all performance evaluations on the employee's personnel file.

Objective = Removal of disparities in the maintenance of performance records.

Report Reference = Page 42

7) **The Commission** to audit the use of departmental training budgets as part of the staffing audit, according to the number of programs paid for, designated group/non-designated group participation and the level of the participants attending programs.

Objective = Removal of disparities in the access to training opportunities.

Report reference = Page 42

Changing Perceptions

8) **Personnel Administrators** to have the ability to authorize participation in training programs as well as **Managers** in order to ensure open availability to training opportunities to all employees (subject to the employees' qualifications and interests).

Objective = Removal of disparities in the access to training opportunities.

Report Reference = Page 41 and 42

SELECTION ISSUE #4 - AFFIRMATIVE ACTION

Policy Changes

1) **Deputy Ministers** to be accountable for departmental Affirmative Action achievements and the consistency of the approach adhered to by his or her managers. **The Commission** to audit the quantitative and qualitative goal achievements on an annual basis, with failure to pass a specified rate of achievement being grounds for removal of the departmental staffing delegation.

Objective = Closer conformity with existing legislation.

Report Reference = Page 46

Procedural Changes

2) **The Central Affirmative Action Committee** to study the role of the departmental Affirmative Action Co-Ordinator with a view to up-grading the profile and effectiveness of Affirmative Action programs.

Objective = More effective conformity with the spirit as well as the letter of the legislation.

Report reference = Page 47 - 48

3) **The Central Committee** to develop and communicate guidelines for **Directors of Personnel/Administrators** to use for outreach **programs for all four designated groups** through the following specific means:

- o increase advertising in external media, at colleges, universities, and Canada Employment Centres
- o advertise Open Competitions in media directed at designated groups
- o study the criteria by which people are hired as Term employees, since this constitutes an important pool of applicants for permanent positions

- o interchange opportunities with other levels of government and private sector.

Objective = Closer conformity with the legislation.

Report Reference = Page 12, 13 and 47

4) **Directors of Personnel** to consult with regions outside Winnipeg to ensure that they have the necessary resources for implementation. Additional staff years to be provided by the **Treasury Board** to allow for additional, broader-based developmental programs.

Objective = Conformity with the legislation in all regions.

Report Reference = Page 53

5) **The Commission** to develop clear guidelines for Acting Appointments, Secondments, Underfills, lateral moves, rotational assignments to encourage the positive use of these types of staffing actions as development programs for designated group members. **The Commission** to monitor these actions to ensure that the designated group members receive a fair proportion of these appointments.

Objective = Closer compliance with Affirmative Action legislation

Report Reference = Page 30, 47 and 48

6) **Managers** to be held accountable for implementing Affirmative Action initiatives in their units as part of their performance evaluation objectives and annual appraisals.

Objective = Removal of disparities in the opportunities provided through the Affirmative Action process.

Report Reference = Pages 47 - 49

Changing Perceptions

7) **All Managers** to attend Affirmative Action training and information sessions and receive other communication vehicles to ensure clearer understanding of the intent of Affirmative Action.

Objective = More consistently equitable treatment of members of the designated groups.

Report Reference = Pages 50 - 51

8) **The Commission** to audit the record of employment and advancement opportunities offered to visible minorities.

Objective = Removal of disparities in the Affirmative Action process.

Report Reference = Pages 50 - 51

9) **The Central Committee** to continue to serve as the conduit for Affirmative Action training and education, communication and informal networking in conjunction with other Commission efforts in these fields so that employing members of <u>all</u> designated groups becomes ingrained that "this is the way we do business here".

Objective = Removal of disparities in the Affirmative Action process.

Report Reference = Page 47 - 52

CLASSIFICATION RECOMMENDATIONS

Policy Changes

1) **The Commission** to review the necessity for so many classes and grades within the classification structure with a view to reducing the number of slightly different classifications, with slightly different specifications and slightly different levels through the adoption of a consistent classification banding methodology.

Objective = Removal of disparities within the classification system.

Report Reference = Page 55 and 57

2) **Deputy Ministers and other senior line staff** to have accountability for the quality of departmental classifications made after delegation.

Objective = Consistently equitable treatment of civil servants.

Report Reference = Page 60

3) **The Commission** to develop monitoring mechanisms for tracking the quality of the re-classifications made by Departments after delegation, including the percentage of re-classifications that the Commission has to reject. If the quality of a Department's re-classifications is such that the Commission has to reject many of them, it should draw up standards for the percentage of departmental re-classifications that can be turned down by the Commission before:

   a) re-training of departmental classification officers must occur
   b) the classification authority is removed from that Department.

Objective = Removal of disparities in the classification process after delegation.

Report Reference = Page 60

Procedural Changes

4) **The Commission** to delegate classification of department specific positions only after providing:

- o extensive training for all classification specialists
- o a 100% audit of all classification activity in each Department prior to delegation, with a reduction in the proportion of classification activity to be a condition of delegation (if warranted).

Objective = Removal of disparities in the classification system prior to decentralization.

Report Reference = Page 60

5) **The Commission** to evaluate department-specific benchmark jobs which can be used by managers to determine the relative ranking of other positions before classification is delegated to Departments in order to maintain classification integrity. **Departments** may request re-evaluation of these benchmarks but the re-evaluations should be done by **the Commission**.

Objective = Consistently equitable treatment of civil servants through the classification of their jobs

Report Reference = Page 55

Changes to Practices

6) **The Commission** to speed up the central up-dating of existing classification specifications in order to ensure their currency for use today and appropriateness for adaptation into any new structure that may be created as a result of the above recommendation.

Objective = Removal of disparities in the classification system.

Report Reference = Pages 55

7) **The Commission** to track the rate of upward re-classifications of male incumbent and female incumbent positions to see if there is a negative impact on women in the re-classification process.

Objective = Clear identification of any department specific disparities in the classification process.

Report Reference = Page 60

8) **The Commission** to develop the appropriate guidelines for re-classification requests/appeals in the light of any changes made to the classification structure or corrective actions taken in response to problems identified during its monitoring activities.

Objective = Consistently equitable treatment of civil servants.

Report Reference = Page 60

Changing Perceptions

9) **The Commission** to develop a communication strategy to:

- o explain the job evaluation process and rationale
- o communicate about any intentions to change the classification structure/process

so as to ensure effective explanation time and opportunities for questions and answers about any changes made to the classification structure prior to the impacts of the job status changes being felt.

Objective = Perceived consistently equitable treatment of civil servants in the evaluation/classification systems.

Report Reference = Pages 55, 62 and 63

10) Removal of Commission personnel from the appeal **Board** (same as Recommendation #3 on page 77)

UNION/MANAGEMENT ISSUES RAISED BY PARTICIPANTS

The submission of recommendations related to union/management issues was outside the mandate of our study. However, such concerns were raised by participants themselves. We believe our report would not be complete if we did not note, for informational purposes only, the common themes that were voiced in this regard. They were:

1) The need to broaden the definition of disability in the Affirmative Action Statement so that it conforms with the legislated definition of disability.

2) The possibility of creating a vehicle which would enable Personnel Administrators to give priority status (second only to employees on re-employment lists) to employees requesting lateral moves to positions for which they meet the position requirements and who have a satisfactory or better performance evaluation in their current position.

3) The desirability of developing a more direct link between performance and progression through the salary range once the performance evaluation process has been updated so that:

   - o the Merit Principle is applied more effectively to the pay program
   - o employee cynicism about paying for performance can be removed.

4) The need to review classification levels and salary ranges for jobs which are similar or identical and for gender-dominant jobs to ensure compliance with relevant legislation, particularly pay equity, prior to proceeding with delegation of classification to Departments.

5) The request that the Commission should supply the Union with all relevant documentation and information relative to appeals lodged by union members in order that they may effectively represent their members.

APPENDIX A

STEERING COMMITTEE

STEERING COMMITTEE

Chairperson:	Doris Mae Oulton, A.D.M., Women's Directorate
Representatives:	
Civil Service Commission:	Deanna Hegge Bob Pruden
Manitoba Women in Government:	Shelley Walker Annika Weeks
Manitoba Government Employees Association:	Annette Maloney Jan Malenowich
External to Government:	Dr. Jackie Stalker, Faculty of Education, University of Manitoba

APPENDIX B

RELEVANT LEGISLATION AND POLICIES

RELEVANT LEGISLATION AND POLICIES

There are more than half-a-dozen existing policies and pieces of legislation which have an affect on the development and implementation of sound human resource practices within the Government of Manitoba.

1. The United Nations Convention on the Elimination of all Forms of Discrimination Against Women (1979) sets out in legally binding form 30 articles, including several addressing equal access to education, and non-discrimination in employment and pay. Canada, as a signatory, agreed to take all appropriate measures to eliminate discrimination against women in the field of employment and to ensure, on a basis of equality, the same rights for men and women, to:

   (Article 11, b)
   The same employment opportunities including application of the same criteria for selection in matters of employment; and

   (Article 11, d)
   The right to equal remuneration, including benefits....

2. The Canadian Charter of Rights and Freedoms, Section 15 (1985), places a legal responsibility on some public sector employers to have equitable employment systems, without discrimination based on sex, or a range of other criteria.

3. The Civil Service Act governs all recruitment, selection, and appointment in the Manitoba Government, either by the Commission or anyone acting under delegated authority.

   Section 13(1), a and c states that the commission shall "whenever possible and in the public interest, fill vacancies in the civil service by promotion within the civil service," and

"take such action and measures as it may deem necessary to anticipate and meet the need for well qualified personnel at higher levels in the civil service."

Section 13(2) states that:

"Selection for appointment, promotion or transfer to a position shall be based on merit, with a view to developing a civil service comprising well qualified personnel with abilities, skills, training, and competence required to advance from the level of initial appointment through a reasonable career consistent with the type of work and the classes of positions pertinent thereto."

The Act also assigns to the Civil Service Commission the responsibility for classification.

4. Manitoba Human Rights Legislation prohibits sex discrimination in the workplace and places an obligation on employers to remove discriminatory barriers to and in employment.

5. The Pay Equity Act requires the elimination of sex discrimination from the wage setting process. Under this legislation, employees in female-dominant jobs which are determined to be of equal value to those which are male-dominant in the same establishment are entitled to receive equal pay.

6. The Employment Standards Act prohibits discrimination in pay between males and females "if the work required of, and done by, employees of each sex is the same or substantially the same." [Art. 45(1)]

7. The 1983 Affirmative Action policy states that the Government and the M.G.E.A. are committed to the concept of affirmative action, to redress existing discriminatory barriers, and to enhance promotion and equality of treatment within the provincial government for women, natives, the physically disabled, and visible minorities. Since its adoption in 1983, the policy has provided for the establishment of special programs to redress the effects of past practices and systemic discrimination, and to accelerate equalized representation.

APPENDIX C

AFFIRMATIVE ACTION: POLICY STATEMENT

AFFIRMATIVE ACTION: POLICY STATEMENT (1983)

The Government of Manitoba and the M.G.E.A. are committed to the concept of Affirmative Action, to redress existing discriminatory barriers, and to enhance promotion and equality of treatment within the provincial government for women, physically disabled persons, natives and visible minorities.

The union and government agree jointly to ensure Manitobans under-represented in government employ have access to employment and opportunity for career path development within that employ, consistent with the Civil Service Act and relevant collective agreements. While the present restraint on hiring throughout the Civil Service will make it more difficult to implement Affirmative Action policies, both parties recognize the need to lay the groundwork for more equitable systems. To this end, a joint union/management Affirmative Action Committee will be established both at the central and departmental level. This committee will design a plan that will include outreach recruitment, special training and management development programs to redress the effects of past practices and to accelerate equalized representation in the work-force. Given the systemic discrimination across Departments in the clerical category, the Central Committee will also develop specific strategies and action to accelerate the promotion of persons classified in this category.

A. Mackling
Minister Responsible

Gary Doer
President, M.G.E.A.

APPENDIX D

DEFINITIONS

DEFINITIONS

Policies are the formal, philosophical statements that establish how an organization will manage its affairs. Human resource policies help the organization ensure such things as the fair and equitable treatment of all employees and the consistent interpretation of the organization's objectives and operating philosophies.

"We are an equal opportunity employer" and the joint Government/M.G.E.A. statement in Appendix C are both examples of Affirmative Action policy statements.

Systems are the structural processes that an employer sets up in order to carry out those policies. They include such personnel activities as recruitment, selection, training and development, promotion, job classification, salary determination, discipline, and termination.

Procedures are the formalized methods that have been designed to help managers and supervisors access the human resource systems, (e.g., there will be procedures for requisitioning a new hire and for actually hiring a person).

Practices are the informal methods that managers and supervisors actually use to get things done. Practices frequently involve ways of taking short-cuts around the formalized procedures so as to access the system more effectively. Over time, common practices sometimes become formalized into new procedures (e.g., Term Appointments).

APPENDIX E

WAIVER CONDITIONS

WAIVER CONDITIONS

1. An individual has been selected from the re-employment list to fill the position.

2. The position is at an entrance level and therefore not a promotional opportunity for a civil servant.

3. Recent past recruitment practices for similar positions have indicated that a competition of any kind for the position would be unproductive.

4. An eligibility list has been established for this type of position and an individual can be identified from this list for appointment to this position.

5. One individual can be demonstrably shown to be the most suitable candidate for the position based on the selection criteria, e.g., the only individual with a certain type of skill or experience requirement.

6. The position has been identified as part of a career development program for an individual (career development program being acceptable to the Civil Service Commission).

APPENDIX F

INTERVIEW GUIDE: MANAGERS

Audit of
Recruitment, Selection and
Classification Systems

Government of Manitoba

Management Interviews
Discussion Guide

1. Tell individual a little about yourself and audit.

2. Have the individuals tell you about themselves: their job/responsibilities; how long they've been there; if they've had any promotions and what the process was; if they've ever appealed anything (and what happened.)

Recruitment/Selection

3. Are all jobs posted? Which aren't?

4. What percent of jobs are filled by internal methods? By external methods?

5. What is the process for filling a position? (From initial notice of vacancy to letter of offer.)

6. Who decides if internal posting, or external ad, or appointment without competition?

7. Tell me about "appointments without competition."

8. How do you determine if a candidate has the required qualifications?

9. Do you ever use pre-employment tests or other assessment tools? Please describe what they are how they are administered.

10. Do you ever do reference checks? Please elaborate.

11. If a friend or neighbour wanted to get a job within the Civil Service, what advice would you offer? How do people apply to Civil Service?

12. To what degree do you rely on contract, part-time or temporary employees? What type of work is normally done by these employees? What are the advantages or disadvantages of employment people on this basis?

13. Tell me about the appeal process: what types of appointments are open to appeal? What is the process? What percent of appeals are "won?"

14. If a position has not been filled internally and decision is made to go external, what is the process?

15. If I asked employees how people get (a) jobs, (b) promotions, what would they say?

Classification/Compensation

16. Who writes the job description?

17. What "method" is used to evaluate jobs?

18. What is the process for classifying jobs? Who as the final decision?

19. What involvement, if any, do the unions have in the classification process?

20. How often are jobs reviewed/audited to ensure job descriptions are current/accurate?

21. How often are jobs reclassified? What is the process for having jobs reclassified?

22. What is the process for classification appeals?

23. What percentage of decisions are overturned as a result of an appeal?

Affirmative Action

24. Do you agree with the purposes/concept of affirmative action?

25. Does your department have an affirmative action program? Does the Civil Service, as a whole, have an affirmative action program?

26. Are these programs successful? Why/why not?

27. If we asked employees what they thought about the Government affirmative action programs, what would they say?

28. What special measures do you think are necessary to facilitate the hiring and promotion of handicapped? Women? Natives? Visible Minorities?

Attitudes/Perceptions of Fairness

29. Do you believe that all employees are treated equally and fairly?

30. Do you believe existing employment systems have an equal impact on all employees, neither providing an advantage or disadvantage to any group?

31. What specific systems do you believe have a differential impact?

32. Are there factors, other than performance, ability, or potential that influence decisions on: hiring? development? promotion?

    If so, what are they?

33. Do <u>you</u> personally feel you, or other individuals have been discriminated against, and if so, on what basis?

34. Are some departments known to be (a) worse, (b) "better/fairer" than others with respect to:

    - appointments based on merit
    - fair classifications and reclassifications
    - affirmative action initiatives.

35. What would you do differently - change, improvement, get rid of, etc.?

36. What is your personal hope this audit will reveal/uncover? What do you think other people are hoping for?

APPENDIX G

INTERVIEW GUIDE: EMPLOYEE FOCUS GUIDE

GOVERNMENT OF MANITOBA

Discussion Topics for Focus Employees

A. Experience and Perceptions of Fairness re: Current Policies

i) Recruitment and Selection

- How easy/difficult is it to obtain a job with the Gov't?
- How and where did you learn about job opportunities within the Gov't?
- What are waivers?
  Are they used often?
- Are Term appointments common? Why?
- If a friend wanted to get a job in the Gov't, what advice would you give?
- What procedures were followed in assessing your application (e.g., interviews, skills tests)?
- What factors do you believe influenced the decision to hire you?
- How does the appeal process work? Have you ever appealed an appointment? Would you? Are all appointments subject to appeal?

ii) Performance Feedback

- Do you receive any formal or informal feedback on your performance? How often would a formal performance discussion occur? Do you think performance appraisals adequately assess the individual's potential for promotion?
- Does the Gov't assess an individual employee's potential for promotion or need for development?

Subjects to Probe:

- Has your performance been appraised?
- Were any recommendations made, and if so, what were they?
- Were these recommendations acted upon?
- What factors do you believe influenced your rating and results?

iii) Training and Development

- Are training and development opportunities adequate to help you meet your current skill training needs? Are they adequate to help you further your career objectives within the Gov't?

Subjects to Probe:

- Are you or have you been made aware of opportunities for training and development?
- How did you find out about training and development opportunities?
- Have you applied for and received in-house or external training or development?
- If you've appiied to training and development and did not receive it, what do you think were the reasons?

iv) Compensation/Classification

- Are reclassifications common or rare?
- Have any of you ever requested that your position be reclassified? What happened?
- Have any of you ever appealed a classification decision?
- Are employees paid fairly, relative to the size of their job?
- Do you believe you are paid fairly? Do you get an increase every year?
- Are salaries negotiable?

v) Promotion

- Do you feel there are opportunities for advancement within the Gov't?
- What factors do you believe influence internal decisions on promotion?
- How do employees become aware of openings and how is this process managed internally?

Subjects to Probe:

- Have you ever applied for or been recommended for promotion?
- What were the results?
- What factors do you believe influenced these results?

vi) General Questions about experience and perceptions with employment systems.

- Are these factors, other than performance, ability or potential that influence decisions on:
  - hiring?
  - training?
  - development?
  - promotion?
- If so, what are they?
- Do you feel that you, or other individuals have been fairly treated?

B. Career Aspirations

- What are your long-term career objectives within the Gov't?
- Do you feel that there is adequate support for your career objectives from:
  - your supervisor, as an individual?
  - your department?
  - the Company overall?

C. Affirmative Action

- Are you aware of your department's Affirmative Action Plan?
- Have you self-declared? Why/why not?
- What do you think of Affirmative Action; is it necessary? Is it a good program? Do people care about it?

D. Culture

- Are some departments better to work for than others? Why?

CONCLUDING REMARKS

This concludes our discussion.

Do you have any other comments you would like to add?

Thank you for your time.